

Constitution of South Oxfordshire District Council

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PART 1: SUMMARY AND EXPLANATION

Summary and explanation

The council's Constitution

1. South Oxfordshire District Council has agreed a new constitution which 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.
2. The Constitution is divided into 16 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?

3. Article 1 of the Constitution commits the council to exercise its powers and duties in accordance with the law and the rules and procedures set out in the Constitution. It also sets out what the purpose of the Constitution is, how it will be interpreted and that it will be kept under review to ensure that it continues to provide a proper framework for the conduct of the council's business. Articles 2 – 16 explain the rights of citizens and how the key parts of the council operate. These are:

- Councillors (Article 2)
- Citizens and the council (Article 3)
- The council meeting (Article 4)
- Chairing the council (Article 5)
- Scrutiny of decisions (Article 6)
- The cabinet (Article 7)
- Regulatory and other committees (Article 8)
- The [audit and corporate governance](#) committee (Article 9)
- Area forums (Article 10)
- Joint arrangements (Article 11)
- Officers (Article 12)
- Decision making (Article 13)
- Finance, contracts and legal matters (Article 14)
- Review and revision of the Constitution (Article 15)
- Suspension, interpretation and publication of the Constitution (Article 16)

How the council operates

4. The council comprises 48 councillors elected 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.

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5. Councillors follow a code of conduct to ensure high standards in the way they undertake their duties. The [audit and corporate governance](#) committee [oversees](#) the code of conduct [and complaints arising](#).

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6. All councillors meet together as the council. Meetings of the council are normally open to the public. Here councillors decide the council's overall policies and set the budget each year. The council appoints the leader and can hold him/her to account for the decisions he/she takes. Members of the public have the right to attend meetings of the council and ask questions or make addresses on matters under consideration, or which are the responsibility of the council.

How decisions are made

7. The cabinet is the part of the council that is responsible for most day-to-day decisions. The cabinet is made up of the leader and up to nine other councillors. When major ("key") decisions are to be discussed or made, these are published in the cabinet's forward plan in so far as they can be anticipated. Where the cabinet meets formally to consider any decision, such meetings will generally be open for the public to attend, except where personal or confidential matters are being discussed. The cabinet has to make decisions that are in line with the council's overall policies and budget. If it wishes to make a decision that is outside the budget or policy framework, this must be referred to the council as a whole to decide.

Scrutiny

8. There is a scrutiny committee, which scrutinises the work of the cabinet and the council as a whole. Its role is to scrutinise decisions made by the cabinet and to make sure that all decisions are taken within the council's agreed policies ("the policy framework.") It can 'call-in' a decision which has been made by the cabinet but not yet implemented. This enables it to consider whether the decision is appropriate. It may recommend that the cabinet reconsider the decision. They may also be consulted by the cabinet or the council on forthcoming decisions. The committee may also consider matters of wider local concern, which are not the council's direct responsibility.

Policy development

9. The scrutiny committee assists the cabinet and the council to draw up new policies and carry out reviews of existing policies.

The council's staff

10. 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 relationships between officers and councillors.

Citizens' rights

11. 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.

12. Citizens have the right to:

- (a) vote at local elections if they are registered;
- (b) contact their local councillor about any matters of concern to them;
- (c) obtain a copy of the Constitution;
- (d) attend meetings of the council and its committees except where, for example, personal or confidential matters are being discussed;
- (e) petition to request a referendum on a mayoral form of executive;
- (f) participate in meetings of the council, its committees and panels and contribute to investigations by the scrutiny committee;
- (g) find out, from the cabinet's forward plan, what major decisions are to be discussed by the cabinet or decided by the cabinet or officers, and when;
- (h) attend meetings of the cabinet where key decisions are being discussed or decided, except where confidential or exempt information is being discussed;
- (i) see reports and background papers, and any record of decisions made by the council and cabinet;
- (j) complain to the council, in accordance with the council's complaints procedure, about any service for which the council is responsible;
- (k) 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 process;
- (l) 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
- (m) inspect the council's accounts and make their views known to the external auditor.

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13. The council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact Legal and Democratic Services on 01491 823619. Details of your rights to attend meetings and inspect agendas, reports and minutes are available.

Definitions

14. The following words and expressions used in this Constitution have the meanings indicated below:

Council	The full Council (currently 48 councillors)
Cabinet	The councillors appointed by the leader to make decisions on all executive matters within the approved policy framework
Leader	A councillor elected by the full Council to be the head of the cabinet
Key decision	A decision taken, or to be taken, by the cabinet as defined in Article 13.4 of this Constitution
Clear working days	The number of working days between the publication/notification of an event and the event itself, excluding the day of publication and the day of the event.
Proper officer	An officer appointed by the council for a purpose specified in legislation.
Scrutiny committee	Committee appointed by the council to fulfil the requirements of Section 21 of the Local Government Act 2000, and to undertake development and review of policy, whose recommendations will be considered by the cabinet or the full Council as appropriate.



PART 2: ARTICLES OF THE CONSTITUTION

Article 1 – The Constitution

Powers of the council

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

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The Constitution

2. This Constitution, and all its appendices, is the Constitution of South Oxfordshire District Council.

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Purpose of the Constitution

3. The purpose of the Constitution is to:

- (a) enable the council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
- (b) support the active involvement of citizens in the process of local authority decision-making;
- (c) help councillors represent their constituents more effectively;
- (d) enable decisions to be taken efficiently and effectively;
- (e) create a powerful and effective means of holding decision-makers to public account;
- (f) ensure that no-one will review or scrutinise a decision in which they were directly involved;
- (g) ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for decisions; and
- (h) provide a means of improving the delivery of services to the community.

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Interpretation and review of the Constitution

4. 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.

5. The council will monitor and evaluate the operation of the Constitution as set out in Article 15.

Article 2 – Councillors

Composition and eligibility

1. **Composition.** The council will comprise 48 members, otherwise called councillors. One or more councillors will be 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.
2. **Eligibility.** Only registered voters of the district or those living or working, or owning land there, and who are not otherwise disqualified, will be eligible to hold the office of councillor.

Election and terms of office of councillors

3. **Election and terms.** The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The terms of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

Roles and functions of all councillors

4. **Key roles.** All councillors will:

- (a) collectively be the ultimate policy-makers and carry out a number of strategic functions;
- (b) represent their communities and bring their views into the council's decision-making process, i.e. become the advocate of and for their communities;
- (c) deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- (d) balance different interests identified within the ward and represent the ward or electoral division as a whole;
- (e) be involved in decision-making;
- (f) be available to represent the council on other bodies; and
- (g) maintain the highest standards of conduct and ethics.

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5. Rights and duties

- (a) 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.
- (b) 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.
- (c) For these purposes, "confidential" and "exempt" information are defined in the access to information procedure rules in part 4 of this Constitution.
- (d) A councillor who is a member of both the general licensing committee/licensing acts committee and the planning committee shall only consider an application relating to a particular site or sites in their capacity as a member of one of those committees during a period of 12 months.

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- | (e) A councillor may not participate in decisions on applications in their wards on the licensing acts committee, general licensing committee or the planning committee.
 - | (f) No member of the cabinet shall act as Chair or Vice-Chair of any committee or sub-committee that exercise functions that may not be the responsibility of the cabinet in accordance with the Local Authorities (Functions and Responsibilities) Regulations 2000 or any amendments thereof.
 - | (g) The Chair or Vice-Chair of the council shall not be elected as Chair or Vice-Chair of any committee or sub-committee during their period of office.
 - | (h) To assist councillors fulfil their various roles the council has agreed, at its meeting on 17 April 2003, job descriptions for these as set out in part 5 of this Constitution.

Conduct

6. Councillors will at all times observe the councillors' code of conduct and the protocol on councillor/officer relations set out in part 5 of this Constitution.

Allowances

7. Councillors will be entitled to receive allowances in accordance with the councillors' allowances scheme set out in part 6 of this Constitution.

Article 3 – Citizens and the council

Citizens' rights

1. 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) attend formal meetings of the cabinet except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
- (iii) find out from the forward plan what key decisions will be taken by the cabinet and when;
- (iv) see reports and background papers, and any records of decisions made by the council, the cabinet and any committees or panels; and
- (v) 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 meetings, and any committees thereof, contribute to investigations by and take part in deliberations by the scrutiny committee, as set out in the rules of procedure in part 4 of this Constitution.

(d) **Complaints.** Citizens have the right to complain to:

(i) the council itself under its complaints scheme;

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

(iii) the council's [monitoring officer](#) about a breach of the councillors' code of conduct.

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Citizens' responsibilities

2. 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

Meanings

1. **Policy Framework.** The policy framework means the following plans and strategies:
 - (a) Corporate priorities;
 - (b) Sustainable community strategy;
 - (c) Community safety strategy;
 - (d) Plans and alterations which together comprise the development plan;
 - (e) Food law enforcement service plan;
2. **Budget.** The budget includes the calculation of the revenue budget requirement, the original and revised revenue estimates, the capital programme, the allocation of financial resources to different services and projects, proposed contingency funds, the council tax base, setting the council tax, the annual investment strategy and decisions relating to the control of the council's borrowing requirement and control of its expenditure.

Functions of the full Council

3. Only the council will exercise the following functions:
 - (a) adopting and changing the Constitution;
 - (b) approving or adopting the policy framework and the budget;
 - (c) making decisions on matters that are the responsibility of the cabinet where the decision maker is minded to make it in a manner that would be contrary to an agreed policy or outside the budget, or any limits on the cabinet's ability to make minor changes to the budget, as set out in part 3 of this Constitution.
 - (d) electing the leader and removing him/her from office;
 - (e) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them (except the cabinet);
 - (f) adopting an allowances scheme under Article 2.7;
 - (g) changing the name of the area, or conferring the title of honorary alderman;
 - (h) confirming the appointment of the head of paid service, the chief finance officer and the monitoring officer;
 - (i) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
 - (j) deciding whether to accept a delegation from another local authority under joint arrangements, as set out in Article 11 of this Constitution;
 - (k) all local choice functions set out in part 3 of this Constitution which the council decides should be undertaken by itself rather than the cabinet; and
 - (l) all other matters which, by law, must be reserved to Council.

Council meetings

4. 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.

Responsibility for functions

5. The council will maintain the tables in part 3 of this Constitution setting out the responsibilities for the council's functions that are not the responsibility of the cabinet.

Article 5 – Chairing the council

Role and function of the chair

1. The chair of Council and in his/her absence, the Vice-Chair, will have the following roles and functions:
2. The Chair will be elected by the council annually. The Chair will have the following responsibilities:
 - (a) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
 - (b) 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;
 - (c) 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 are not in the cabinet or hold committee chairs are able to hold the cabinet and committee chairs to account;
 - (d) to promote public involvement in the council's activities;
 - (e) to attend such civic and ceremonial functions as the council and/or he/she determines appropriate.

Article 6 – The scrutiny committee

Terms of reference

1. The council has appointed one scrutiny committee.
2. The committee is responsible for discharging the functions conferred by section 21 of the Local Government Act 2000 or regulations under section 32 of the Local Government Act 2000. It is responsible for discharging any other functions conferred by legislation on an overview and scrutiny committee of a district council.
3. The committee will be known as the scrutiny committee.
4. The committee cannot consider anything that relates to a decision on an individual case, or a decision made under planning, licensing, or other regulatory legislation.

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The committee will:

- within its terms of reference, consider anything that affects the district and its people;
- consider any matter relating to the provision of council services or for which the council is responsible;
- consider items referred to the committee by the cabinet or Council;
- consider councillor calls for action that relate to a matter that affects a single ward and are not, in the opinion of the monitoring officer, vexatious, persistent, unreasonable or discriminatory and do not relate to a planning, licensing or regulatory function;
- act as the crime and disorder committee of the council in accordance with the Crime and Disorder (Overview and Scrutiny) Regulations 2009;
- consider and make recommendations to the relevant cabinet member on the assessment of the performance of contractors;
- hold other public service providers to account.
- help Council and cabinet to develop and review policy
- assist the cabinet in the development of policies on matters for which the council has responsibility;
- review Council policies and aspects of the budget and policy framework and make recommendations to the cabinet or the council for changes and improvements;
- consider the budget for the next financial year prior to Council approving this.

Hold the cabinet to account

- review and scrutinise decisions made or actions taken by cabinet, Council committees, and officers;
- exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the cabinet;

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- review the council's progress in achieving its policy aims and performance targets;
 - review the performance of individual services or cabinet member portfolios;
 - consider and make recommendations on mechanisms to encourage and enhance community participation in the development of policy options;
 - consider and make recommendations on any matters in connection with the discharge of functions which are the responsibility of the council or cabinet, or which affect the council's area or its community;
 - review functions or development of policies and strategies;
 - make proposals periodically to the council for ways to improve the discharge of policy development.
 - review and scrutinise the decisions made by, and performance of, the cabinet and/or committees and, in relation to key decisions taken under delegated powers, council officers, both in relation to individual decisions and over time;
 - review and scrutinise the performance of the council in relation to its policy objectives, performance targets and/or particular service areas.

The committee may do this by:

- conducting research, and community and other consultation in the analysis of policy issues;
 - making recommendations to the cabinet and/or appropriate committee and/or Council arising from the outcome of the scrutiny process or from task groups;
 - writing and sending reports and recommendations to the cabinet or Council and making recommendations to officers for their consideration.
 - reporting annually to Council on its workings and making recommendations for future work programmes and amended working methods if appropriate.
5. The scrutiny committee can be given a budget by Council. It is responsible for any budget it is given and can use it as it wishes to support the work of the committee.
 6. The scrutiny committee may establish task groups to consider particular matters within its work programme. Task groups meet in private.
 7. The number of task groups running shall be proportionate to the resources available to the council.
 8. The task group will ensure that the relevant cabinet member and other persons affected by the subject matter under consideration have the opportunity to give evidence to the group.

Committee powers

9. The committee can:
 - (a) make reports and recommendations to the county council and any other partner authorities in respect of LAA improvement targets and require the

county council and partner authorities to provide information that the committee reasonably requires.

- (b) monitor the forward plan and call for reports on items that are listed on this.
- (c) review and scrutinise the performance of other public bodies in the area, invite reports from them, and request them to address the scrutiny committee about their activities and performance;
- (d) require senior officers and cabinet members to attend scrutiny committee meetings and answer questions;
- (e) question other appropriate officers with the agreement of their head of service about their decisions and performance;
- (f) question officers and cabinet members generally about service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (g) invite other people to scrutiny committee meetings to question and gather evidence from them (with their consent).

How does the committee operate?

10. The scrutiny committee will operate in accordance with the procedure rules set out in part 4 of this Constitution. If there are any gaps in these procedures, the chairman will decide what to do.

Article 7 – The executive (cabinet)

Role

1. The cabinet will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution.

Form and composition

2. The cabinet will consist of the leader together with up to nine councillors appointed to the cabinet by the leader (one of whom will be appointed by the leader to act as deputy leader) and the leader will allocate areas of responsibility (portfolios) to them. The leader may remove cabinet members from the cabinet at any time.

Leader

3. The leader will be a councillor elected to the position of Leader by the council at its annual meeting. The leader shall hold office for a period of four years starting on the day of his/her election and end on the day of the post-election annual meeting.
4. The leader will appoint a deputy leader and such other members of the cabinet as he/she thinks fit subject to paragraph 2 above.
5. The leader shall continue to hold office unless:
 - (a) he/she resigns from the office; or
 - (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
 - (c) he/she is no longer a councillor; or
 - (d) he/she is removed from office by resolution of the council.

Deputy leader

6. The leader will appoint one of the members of the cabinet to be the deputy leader.
7. The deputy leader will hold office until the end of the term of office of the leader unless:
 - (a) he/she resigns from the office; or

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(b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or

(c) he/she is no longer a councillor; or

(d) he/she is no longer a member of the cabinet or;

(e) he/she is removed from office by the leader.

8. The deputy leader will carry out the functions of the leader when he/she is absent.

Other executive (cabinet) members

9. The leader will appoint between one and eight further cabinet members.

10. Other cabinet members shall hold office until:

(a) they resign from office; or

(b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or

(c) they are no longer councillors; or

(d) they are removed from office, either individually or collectively, by the leader.

Proceedings of the cabinet

6. Proceedings of the cabinet shall take place in accordance with the cabinet procedure rules set out in part 4 of this Constitution.

Responsibility for functions

7. The leader will maintain a list in part 3 of this Constitution setting out which individual members of the cabinet, committees of the cabinet, officers or joint arrangements are responsible for the exercise of particular executive functions.

8. The leader will report to Council on all appointments and changes to the cabinet and scheme of delegation.

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Article 8 – Regulatory and other committees

Regulatory and other committees

1. The council will appoint the committees set out in the left hand column of the table [responsibility for council functions](#) in part 3 of this Constitution to discharge the functions described in column 2 of that table.

Article 9 - The audit and corporate governance committee

Audit and corporate governance committee

1. The council will establish an audit and corporate governance committee.

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Role and function

2. The audit and corporate governance committee will have the following roles and functions:

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- (a) Approval of the council's statement of accounts.
- (b) Ensuring the effective scrutiny of the treasury management strategy, policies and performance.
- (c) Receiving the district auditor's management letter and make any recommendations thereon.
- (d) Receiving external and internal audit reports and making any recommendations thereon.
- (e) Considering risk management issues and making any recommendations thereon.
- (f) Approving the annual governance statement.
- (g) Considering governance matters and making any recommendations thereon.
- (h) Considering complaints under the council's complaints procedure.
- (i) The overview of Ombudsman investigations.
- (j) The determination of enhanced benefits in respect of redundancies and early retirements.
- (k) Agreeing human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new Council policies on pensions (eg discretionary payments policy).
- (l) The overview of the council's whistleblowing policy.
- (m) The overview of the standards of conduct framework for councillors and any co-opted members.
- (n) Dealing with code of conduct complaints about councillors.
- (o) The exercise of (m) and (n) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils.

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Code of conduct and corporate complaints

3. The audit and corporate governance committee may appoint sub-committees comprising three eligible members of the committee to determine matters in relation to corporate complaints or code of conduct complaints referred by the monitoring officer.

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Complaint sub-committees (panels)

4. The audit and corporate governance committee:

- (a) has responsibility for appointing its own sub-committees (known as panels) to make decisions on code of conduct or corporate complaints except where the chairman (or vice-chairman) of the audit and corporate governance committee agrees that the whole committee should be convened when a complaint merits consideration by the full committee.
- (b) authorises the head of legal and democratic services to invite an appropriate panel to consider corporate complaints or code of conduct complaints having regard to members' availability and eligibility to take part;
- (c) will agree its own procedures for it (or its panels) to deal with corporate complaints or code of conduct complaints

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Appointment and membership

5. The audit and corporate governance committee shall:

- (a) appoint panels comprising any three members, or their appointed substitutes, of the audit and corporate governance committee;
- (b) appoint each member or substitute of the audit and corporate governance committee to serve on any panel which is convened so as to include her or him in its membership;
- (c) wherever possible, a panel comprising the chairman or vice-chairman of the committee plus two other members of the committee will consider complaints, but that this should not affect the principle that any three members or their substitutes of the committee will constitute a properly appointed panel;
- (d) A fourth member should be on standby for each hearing in case one of the three members cannot take part for any reason;

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Terms of reference

6. To discharge all functions relating to matters referred to the committee or to its sub-committees in relation to corporate complaints or under the code of conduct complaints procedure by the council's monitoring officer.

7. Any panel will be known as a complaints panel.

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Article 10 – Area forums

1. The council may appoint area forums 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.
2. Any forums so appointed will have the terms of reference as agreed by the forum from time to time.
3. Forums will conduct their business in accordance with any rules the council or the forum may determine.

Article 11 – Joint arrangements

Arrangements to promote well being

1. The council or the cabinet, 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.

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Joint arrangements

2. The council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions that are not executive functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with these other local authorities.
3. The cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with these other local authorities.
4. Except as set out below, the cabinet may only appoint cabinet members to a joint committee and those councillors need not reflect the political composition of the local authority as a whole.
5. The cabinet may appoint councillors to a joint committee from outside the cabinet in the following circumstances:

- (a) the joint committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the cabinet may appoint to the joint committee any councillor who is a ward councillor which is wholly or partly contained within the area;

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6. In this case the political balance requirements do not apply to such appointments.

- (a) Details of any joint arrangements including any delegations to joint committees will be found in the council's scheme of delegations in part 3 of this Constitution.

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Access to information

7. The [access to information procedure rules](#) in part 4 of this Constitution apply.

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8. If all the members of a joint committee are members of the executive in each of their participating authorities then its access to information regime is the same as that applied to the executive.

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9. If the 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.

Delegation to and from other local authorities

10. The council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.

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

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Contracting out

11. The cabinet 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. The cabinet may contract out to another body or organisation functions which may be exercised by an officer 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.

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Article 12 – Officers

Management structure

1. **General.** The council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
2. **Strategic directors.** The full Council will engage persons for the following posts:

Post	Functions and area of responsibility
Chief executive	Head of paid service Overall corporate management and operational responsibility (including overall management responsibility for all officers) Provision of professional advice to all parties in the decision making process
Strategic director	Finance HR, IT and customer services
Strategic director	Corporate strategy Economy, leisure and property
Strategic director	Legal and democratic Services Housing and health Planning

3. Head of paid service, monitoring officer and chief finance officer.

Post	Designation
Chief executive	Head of paid service
Head of legal and democratic services	Monitoring officer
Strategic director with responsibility for finance	Chief finance officer (section 151 officer)

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Such posts will have the functions described in paragraphs 5 to 20 below.

4. **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 7 of this Constitution.

Functions of the head of paid service

5. **Discharge of functions by the council.** The head of paid service is the council's principal advisor and is responsible for the overall discharge of the council's functions.

6. **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.

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Functions of the monitoring officer

7. **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 councillors, staff and the public.

8. **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 or to the cabinet in relation to a cabinet function 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.

9. **Standards of councillor conduct.** The monitoring officer will contribute to the promotion and maintenance of high standards of conduct of councillor conduct and will receive and act on code of conduct complaints.

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10. **Proper officer for access to information.** The monitoring officer will ensure that cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.

Deleted: <#>Receiving reports. The monitoring officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.¶

11. **Advising whether executive decisions are within the budget and policy framework.** The monitoring officer will advise whether decisions of the cabinet are in accordance with the policy framework.

<#>Conducting investigations. The monitoring officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the standards committee.¶

12. **Providing advice.** The monitoring officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.

13. **Restrictions on posts.** The monitoring officer cannot be the chief finance officer or the head of paid service.

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Functions of the chief finance officer

14. **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, or to the cabinet in relation to a cabinet function, and the council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure,

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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.

| **15. Administration of financial affairs.** The chief finance officer will have responsibility for the administration of the financial affairs of the council, in accordance with the provisions of Section 151 of the Local Government Act 1972.

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| **16. 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.

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| **17. Providing advice.** The chief finance officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and will support and advise councillors and officers in their respective roles.

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| **18. Give financial information.** The chief finance officer will provide financial information to the media, members of the public and the community.

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Duty to provide sufficient resources to the monitoring officer and chief finance officer

| **19.** 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.

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Conduct

| **20.** Officers will comply with the officers' code of conduct and the protocol on officer/councillor relations set out in part 5 of this Constitution.

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Employment

| **21.** The recruitment, selection and dismissal of officers will comply with the officer employment procedure rules set out in part 4 of this Constitution.

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Article 13 – Decision Making

Responsibility for decision making

1. 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.

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Principles of decision-making

2. All decisions of the council will be made in accordance with the following principles:
- (a) proportionality – ie the action should be proportionate to the desired outcome
 - (b) decisions will be taken on the basis of due consultation and professional advice from officers
 - (c) respect for human rights
 - (d) a presumption in favour of openness
 - (e) clarity of aims and desired outcomes
 - (f) in accordance with the law and the council’s agreed procedures, as set out in this Constitution

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Types of decision

3. **Decisions reserved to full Council.** Decisions relating to the functions listed in Article 4.3 will be made by the full Council and not delegated.
4. **Key decisions.** A key decision is a decision of the cabinet, individual cabinet member or an officer acting under delegated powers which is likely:
- (a) to incur expenditure or to receive income of more than £75,000;
 - (b) to award a revenue or capital grant of over £25,000; or
 - (c) to agree an action that, in the view of the relevant strategic director significantly affects a community within more than one ward.

5. A decision taker may only make a key decision in accordance with the requirements of the cabinet procedure rules set out in part 4 of this Constitution.

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Decision making by the full Council

6. Subject to Article 13.10 the council meeting will follow the council procedures rules set out in part 4 of this Constitution when considering any matter.

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Decision making by the cabinet

7. Subject to Article 13.10, the cabinet will follow the cabinet procedure rules set out in part 4 of this Constitution when considering any matter.

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Decision making by the scrutiny committee

8. The scrutiny committee will follow the scrutiny committee procedure rules set out in part 4 of this Constitution when considering any matter.

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Decision making by other committees and sub-committees established by the council

9. Subject to Article 13.10, 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.

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Decision making by Council bodies acting as tribunals

10. The council, a councillor or an officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes 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.

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Article 14 – Finance, contracts and legal matters

Financial management

1. The management of the council's financial affairs will be conducted in accordance with the financial procedure rules set out in part 4 of this Constitution.

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Contracts

2. Every contract made by the council will comply with the contracts procedure rules set out in part 4 of this Constitution.

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Legal proceedings

3. The head of legal and democratic services is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the council or in any case where the head of legal and democratic services considers that such action is necessary to protect the council's interests.

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Authentication of documents

4. Where any document is necessary to any legal procedure or proceedings on behalf of the council, it will be signed by the head of legal and democratic services or by the chief executive or a strategic director or a senior lawyer unless any enactment otherwise authorises or requires, or the council has given requisite authority to some other person.

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5. Any contract entered into on behalf of the local authority in the course of the discharge of a cabinet function shall comply with the requirements of the Contracts procedure rules as set out in part 4 of this Constitution.

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Common seal of the council

6. The common seal of the council will be kept in a safe place in the custody of the head of legal and democratic services. 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 head of legal and democratic services should be sealed. The affixing of the common seal will be attested by the head of legal and democratic services or by the chief executive or a strategic director or a senior lawyer.

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Article 15 – Review and revision of the Constitution

Duty to monitor and review the constitution

1. 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.
2. Protocol for monitoring and review of the Constitution by the monitoring officer
3. A key role for the monitoring officer is to be aware of the strengths and weaknesses of the Constitution adopted by the council, and to make recommendations for ways in which it could be amended to better achieve the purposes set out in Article 1. In undertaking this task the monitoring officer may:
 - (a) observe meetings of different parts of the councillor and officer structure;
 - (b) undertake an audit trail of a sample of decisions;
 - (c) record and analyse issues raised with him/her by councillors, officers, the public and other relevant stakeholders; and
 - (d) compare practices in this authority with those in other comparable authorities, or national examples of best practice.

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Changes to the Constitution

1. **Approval.** Changes to the constitution will only be approved by the full Council and after consideration of the proposal by the monitoring officer.
2. **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.

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Article 16 – Suspension, interpretation and publication of the Constitution

Suspension of the Constitution

1. **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.
2. **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 is 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.
3. **Rules capable of suspension.** The rules capable of suspension are as set out in the rules of procedure in part 4 of this Constitution.

Interpretation

4. The ruling of the Chair of Council 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.

Publication

5. The head of legal and democratic services will give a printed copy of this Constitution to each councillor upon delivery to him/her of that individual's declaration of acceptance of office on the councillor first being elected to the council.
6. The head of legal and democratic services 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.
7. The monitoring officer will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

Schedule 1: Description of executive arrangements

The following parts of this Constitution constitute the executive arrangements:

1. Article 6 (scrutiny committee), and the scrutiny committee procedure rules;
2. Article 7 (The cabinet), and the cabinet procedure rules;
3. Article 10 (area forums)
4. Article 11 (Joint arrangements)
5. Article 13 (Decision making), and the access to information procedure rules;
6. Part 3 (Responsibility for functions).



PART 3: RESPONSIBILITY FOR FUNCTIONS

Responsibility for functions

RESPONSIBILITY FOR LOCAL CHOICE FUNCTIONS

Function	Decision Making Body	Membership	Delegation of Functions
1. Any function under a local Act other than a function specified or referred to in regulation 2 or schedule 1.	Council	All members	
2. The determination of an appeal against any decision made by or on behalf of the authority.	(a) The NNDR and benefits appeals panel (b) The housing appeals panel	All members of each panel	
3. The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under section 5 (best value reviews) of the Local Government Act 1999.	Cabinet by way of the scrutiny committee	All members	The committee reports will be submitted to the cabinet
4. Any function relating to contaminated land.	General licensing committee	All members of the committee	
5. The discharge of any function relating to the control of pollution or the management of air quality.	General licensing committee	All members of the committee	See schedule 1 of the scheme of delegation
6. The service of an abatement notice in respect of a statutory nuisance.	General licensing committee	All members of the committee	See schedule 1 of the scheme of delegation
7. The passing of a resolution that schedule 2 to the Noise and Statutory Nuisances Act 1993 should apply in the authority's area.	Council	All members	See schedule 1 of the scheme of delegation
8. The inspection of the authority's area to detect any statutory nuisance.	General licensing committee	All members of the committee	See schedule 1 of the scheme of delegation
9. The investigation of any complaint as to the	General licensing	All members of the	See schedule 1 of the scheme

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Function	Decision Making Body	Membership	Delegation of Functions
existence of a statutory nuisance.	committee	committee	of delegation
10. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Planning committee	All members of the committee	See schedule 1 of the scheme of delegation
11. The approval of the Statement of Accounts	Audit and corporate governance committee	All members of the committee	
12. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	All members	See schedule 1 of the scheme of delegation
13. The appointment, and revocation of appointments, of any individual to any office or body other than the authority.	Cabinet	All members of cabinet	

RESPONSIBILITY FOR COUNCIL FUNCTIONS

Committee	Functions	Delegation of Functions
PLANNING	<ol style="list-style-type: none"> All functions in relation to town and country planning and development control as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto. Subject to the costs being met from existing budgets, to take default action and execute works under any of the council's powers as local planning authority. All functions in relation to the preservation of trees and the protection of important hedgerows, as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto. All functions for which the council is the responsible authority in relation to footpaths 	<p>See schedule 1 of the scheme of delegation.</p> <p>See schedule 1 of the scheme of delegation.</p>

Committee	Functions	Delegation of Functions
	and bridleways as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
	5. The determination of complaints under the Anti-Social Behaviour Act 2003 – High Hedges	See schedule 1 of the scheme of delegation

Committee	Functions	Delegation of Functions
GENERAL LICENSING	<ol style="list-style-type: none"> 1. All functions for which the council is the responsible authority in relation to licensing and registration as specified in Regulation 2 of and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, and any amendments thereto. 2. All functions for which the council is the responsible authority in relation to health and safety at work to the extent that those functions are discharged otherwise than in the council's capacity as an employer. 3. All functions for which the council is the responsible authority in relation to control of pollution, management of air quality or contaminated land. 4. To consider objections to proposed street names/street name changes. 5. Under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by Section 27 of the Policing and Crime Act 2009 to: <ul style="list-style-type: none"> • review the policy for sexual entertainment venue licences as necessary and recommend changes to Council • agree changes to the standard guidance and conditions for sexual entertainment venue licences • determine applications for and revoke sexual entertainment venue licences 	See schedule 1 of the scheme of delegation
LICENSING ACTS	<ol style="list-style-type: none"> 1. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Licensing Act 2003. 2. All matters relating to the discharge by the council as licensing authority of its licensing functions under the Gambling Act 2005. 3. The recommendation to Council of the approval or revision of a statement of licensing policy. 	See schedule 1 of the scheme of delegation
AUDIT AND CORPORATE GOVERNANCE	<ol style="list-style-type: none"> 1. Approval of the council's statement of accounts. 2. To receive the district auditor's management letter and make any 	

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Committee	Functions	Delegation of Functions
	<p>recommendations thereon.</p> <ol style="list-style-type: none"> 3. To consider corporate governance matters and make any recommendations thereon. 4. To approve the Annual Governance Statement. 5. To receive external and internal audit reports and make any recommendations thereon. 6. To consider complaints under the council's complaints procedure. 7. To consider risk management issues and make any recommendations thereon. 8. The determination of enhanced benefits in respect of redundancies and early retirements. 9. To agree human resources matters relating to the Local Government Pension Scheme. These include changes to the scheme requiring local decisions; responding to consultations for scheme amendments; applying discretionary termination payments to staff, in cases of early retirement on efficiency grounds; and amending or implementing new Council policies on pensions (eg discretionary payments policy). 10. The overview of the council's whistle blowing policy. 11. The overview of Ombudsman investigations. 12. To ensure effective scrutiny of the treasury management strategy, policies and performance. 13. Having an overview of the standards of conduct framework for councillors and any co-opted members. 14. Dealing with code of conduct complaints about councillors. 15. The exercise of (13) and (14) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils. 	

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Committee	Functions	Delegation of Functions
	1.	
NNDR and benefits appeals panel	<ol style="list-style-type: none"> The consideration of appeals against the council's decisions on all NNDR rate relief matters. The consideration of appeals against the council's determinations in respect of housing, council tax and community charge benefit claims. 	
Housing appeals panel	<ol style="list-style-type: none"> The consideration of appeals against the council's decisions in relation to: <ul style="list-style-type: none"> whether the applicant is a qualifying person and may join the housing register (except where the applicant is prohibited by law) a decision to suspend or cancel an application, except where this is at the applicant's request, or when a cancellation is because the applicant has accepted an offer of accommodation the applicant's points award (this includes points for health and social priority) whether an offer of accommodation is valid and counts as one of the three to which the applicant is entitled. the award of housing grants. the implementation of the rent deposit/rent in advance scheme. 	

Deleted: STANDARDS

Deleted: <#>To promote and maintain high standards of conduct for councillors.¶
<#>To help councillors to follow the code of conduct.¶
<#>To advise council on the adoption and revision of the code of conduct.¶
<#>To monitor the effectiveness of the code of conduct.¶
<#>To monitor training for councillors on the code of conduct.¶
<#>To assess and review code of conduct complaints about councillors.¶
<#>To conduct determinations hearings.¶
<#>To grant dispensations to councillors and co-opted and appointed members with prejudicial interests.¶
<#>The exercise of the above functions in relation to town and parish councils in the district and the members of those councils.¶
<#>To advise the council on the appointment of independent representatives and parish council representatives on the committee.¶
<#>To consider allegations of breaches of local codes and protocols for councillors.¶
To grant exemptions for politically restricted posts.

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Responsibility for cabinet functions

Who is responsible	Functions	Delegation of functions
The leader	All executive functions	See schedule 1 of the scheme of delegation
The leader	All executive functions	See schedule 2 of the scheme of delegation

Executive joint arrangements

Joint committee	Functions	Delegation of functions
Oxfordshire Waste Partnership	To oversee the delivery of the Waste Strategy for Oxfordshire 'No time to Waste'.	
Ridgeway Shared Services Organisation	To review and monitor the shared financial services between the South Oxfordshire District Council and the Vale of White Horse District Council	

Responsibility for health scrutiny functions

Committee	Functions
Oxfordshire Joint Health Overview and scrutiny committee	All functions within the committee's terms of reference.

Statutory Committee set up under Section 8(2)(a) of the Health and Social Care Act 2001.

Introduction to the scheme

1. The Local Government Acts 1972 and 2000 provide that a local authority may arrange for the discharge of its functions by an executive/cabinet, committees and sub-committees and by individual members and officers of the council, or by any other authority.
2. The following scheme of delegation to officers ("the Scheme") is made pursuant to the Local Government Acts 1972 and 2000, and was approved by the council.
3. The scheme may be amended by the council at any time with or without any recommendation from the cabinet or any committee or sub committee.
4. The scheme shall not prejudice the right of the council or any committee or sub committee to delegate any specific matter to an officer or to delegate any specific matter to an individual member of the cabinet or officer when they are considering or determining any item on an agenda.
5. The scheme is split into two schedules as follows:
Schedule 1 – Functions which are the responsibility of the cabinet, Council and local choice functions – delegations to officers; and
Schedule 2 – Functions which are the responsibility of the cabinet - delegation to individual cabinet members.
6. Schedule 1 sets out the general principles which shall be applied in exercising any delegated authority, general powers of the chief executive, strategic directors and heads of service and then specific powers to each.
7. The scheme applies to the officers listed whether they are employed by this authority or, whether they are employed by another authority and have been placed at the disposal of this authority under an agreement made under Section 113 of Local Government Act 1972.

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Abbreviations

(Listed in alphabetical order - Any reference or abbreviated reference to any statute or other legislation shall be construed as referring to any statutory amendment, modification or re enactment of the said legislation and in the case of any statute is also deemed to refer to any regulation order or other subordinate legislation made

Act	Abbreviation
Animal Boarding Establishments Act 1963	ABEA 1963
Animal Health Act 1981	AHA 1981
Animal Welfare Act 2006	AWA 2006
Anti Social Behaviour Act 2003	ASBA 2003
Breeding of Dogs Act 1973	BDA 1973
Building Act 1984	BA 1984
Caravan Sites Act 1968	CSA 1968
Caravan Sites and Control of Development Act 1960	CSCDA 1960
Children and Young Peoples Act 1933	CYPA 1933
Cinemas Act 1985	CA 1985
Civil Contingencies Act 2004	CCA 2004
Clean Air Act 1968	CAA 1968
Clean Air Act 1993	CAA 1993
Clean Neighbourhoods and Environment Act 2005	CNEA 2005
Control of Pollution Act 1974	CPA 1974
Criminal Justice and Public Order Act 1994	CJPOA 1994
Dangerous Wild Animals Act 1976	DWAA 1976
Dogs (Fouling of Land) Act 1996	DA 1996
Employment of Women, Young Persons and Children Act 1920	EWYPCA 1920
Employment Act 1995	EA 1995
Environmental Impact Assessment Regulations 1999	EIAR 1999
Environmental Protection Act 1990	EPA 1990
European Communities Act 1972	ECA 1972
Factories Act 1961	FA 1961
Food and Environmental Protection Act 1985	FEPA 1985
Food Safety Act 1990	FSA 1990

Act	Abbreviation
Gambling Act 2005	GA 2005
Game Act 1931	GA 1931
General Development Order 1995	GPDO 1995
Goods Vehicles (Licensing of Vehicles) Act 1995	GV(LofV)A 1995
Health Act 2006	HA 2006
Health and Safety at Work Act 1974	HSAWA 1974
Hedgerow Regulations 1997	HR 1997
Highways Act 1980	HA 1980
Home Energy Conservation Act 1995	HECA 1995
Housing Act 1985	HA 1985
Housing Act 1996	HA 1996
Housing Benefit (General) Regulations 1987	HB Regs 1987
Housing Grants, Construction and Regeneration Act 1996	HGCRA 1996
Land Drainage Act 1991	LDA 1991
Licensing Act 2003	LA 2003
Local Government (Contracts) Act 1997	LGA 1997
Local Government (Miscellaneous Provisions) Act 1976	LG(MP)A 1976
Local Government (Miscellaneous Provisions) Act 1982	LG(MP)A 1982
Local Government Act 1972	LGA 1972
Local Government Act 1974	LGA 1974
Local Government Act 1988	LGA 1988
Local Government Act 1992	LGA 1992
Local Government Act 2000	LGA 2000
Local Government and Housing Act 1989	LGHA 1989
Local Government Finance Act 1982	LGFA 1982
Local Government Finance Act 1988	LGFA 1988
Local Government Planning and Land Act 1980	LGPLA 1980
Mobile Homes Act 1983	MBA 1983
National Assistance Act 1948	NAA 1948
Noise Act 1996	NA 1996
Noise and Statutory Nuisance Act 1993	NSNA 1993

Act	Abbreviation
Offices, Shops and Railway Premises Act 1963	OSRPA 1963
Open Spaces Act 1906	OSA 1906
Oxfordshire Act 1985	OA 1985
Party Wall etc Act 1996	PWA 1996
Pet Animals Act 1951	PAA 1951
Planning (Listed Buildings and Conservation Areas) Act 1990	LBA 1990
Planning and Compensation Act 1991	PCA 1991
Pollution Prevention and Control Act 1999	PPCA 1999
Prevention of Damage by Pests Act 1949	PDPA 1949
Private Places of Entertainment Act 1967	PPEA 1967
Protection from Eviction Act 1977	PEA 1977
Public Health (Control of Disease) Act 1984	PH(CD)A 1984
Public Health Act 1875	PHA 1875
Public Health Act 1936	PHA 1936
Public Health Act 1961	PHA 1961
Public Health Acts (Amendments) Acts 1890	PHA(A) A 1890
Public Health Acts (Amendments) Acts 1907	PHA(A) A 1907
Regulation of Investigatory Powers Act 2000	RIPA 2000
Riding Establishments Act 1964	REA 1964
Riding Establishments Act 1970	REA 1970
Refuse Disposal (Amenity) Act 1978	RD(A)A 1978
Representation of the People Act 1983	RPA 1983
Road Safety Act 2006	RSA 2006
Road Traffic Act 1988	RTA1988
Road Traffic Regulation Act 1984	RTRA 1984
Scrap Metal Dealers Act 1964	SMDA 1964
Slaughterhouses Act 1974	SHA 1974
Slaughter of Poultry Act 1967	SPA 1967
Social Security Administration Act 1992	SSAA 1992
Sunday Trading Act 1994	STA 1994
Theatres Act 1968	TA 1968

Act	Abbreviation
Town and Country Planning (Control of Advertisements) Regulations 2007	Advertisement Regulations
Town and Country Planning Act 1990	TCPA 1990
Town Police Clauses Act 1847	TPCA 1847
Water Act 1989	WA 1989
Water Industry Act 1991	WIA 1991
Welfare Reform Act 2007	WRA 2007
Zoo Licensing Act 1981	ZLA 1981

General principles of the scheme

The powers referred to in Schedule 1, (which for the avoidance of doubt are the powers allocated to the chief executive, directors and heads of service), may be exercised subject to the following:

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
1.0	CONDITIONS OF DELEGATION	
1.1	Officers may manage and control their respective service areas , exercise the powers designated to them and deliver the service for which they are responsible subject to the following general principles: -	
	(a) All decisions taken must be in accordance any statutory requirements, the approved budget, any policies and plans approved by the council, the council's financial procedure rules and contracts procedure rules, any other procedure rules as agreed by the council and the council's code of conduct and adopted protocols.	
	(b) Any decision taken must not contradict any decision of any other person or body with authority to take such decision unless approval to do so has been agreed.	Monitoring officer
	(c) Decisions can be taken where there is inadequate budgetary provision in case of urgency or emergency or cases where the council has a legal duty to act.	Section 151 officer / monitoring officer (Note refer to budget and policy framework rules and access to information regulations/ procedure rules)
	(d) Where, in the opinion of the relevant officer, a decision taken under delegated powers is likely to be contentious or have adverse legal consequences .	Leader of the council and/or the relevant cabinet member before taking the decision / monitoring officer
	(e) All decisions must be taken in compliance with the constitution .	

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
(f)	An officer with line management responsibility for an officer with delegated powers may exercise that power, instead of the officer so designated, and may direct or negate any course of action proposed. In the absence of the strategic director with line management responsibility, any strategic director may exercise that power. In the absence of an alternative strategic director the chief executive may exercise that power.	
(g)	An officer may, instead of exercising a delegated power, refer a matter to a more senior officer, or to the council, cabinet or a committee or sub-committee.	
(h)	References in these general principles to delegated powers include any delegation whether in the scheme of delegation or a specific delegation given by cabinet, council or a committee.	
(i)	Any strategic director may exercise delegated powers to the chief executive in his absence.	
(j)	The chief executive may suspend the authority delegated to any strategic director, and the chief executive and strategic directors may suspend the authority delegated to any head of service or any other officer.	
(k)	All “key” decisions , as defined in the constitution, will be recorded, published and made available for inspection by members of the council and the public, subject to the rules of procedure in relation to exempt or confidential information also set out in the constitution.	
(l)	Where a decision affects a particular ward.	Ward councillor(s) except where cabinet, council or committee has agreed otherwise
(m)	Where a decision is delegated to an officer in	Alternative cabinet

GENERAL PRINCIPLES OF THE SCHEME		
Ref	Function	Consultation (where applicable)
	consultation with a specified cabinet member who is absent.	member
(n)	A decision delegated to an officer by council, cabinet or a committee can be taken by an officer with line management responsibility for that officer in his/her absence.	
(o)	A decision delegated to an officer in consultation with the chair(man) of a committee may be taken in consultation with the vice-chair(man) if the chair(man) is absent.	
(p)	Where responsibility for functions transfers from one strategic director or head of service to another the strategic director or head of service assuming responsibility for a function may exercise delegated powers relating to that function.	
(q)	Delegations to the chief executive, strategic directors and heads of service apply to any officers appointed to those roles whether they are employed by the authority or have been placed at the disposal of the authority.	
(r)	When exercising any delegated powers, the relevant Officer will also have the power to do anything which is calculated to facilitate, or is conducive, or incidental to the exercise of such delegated powers.	
(s)	A power delegated to an officer under this scheme or any other powers delegated to them may be given to any other person to carry out that power and act on their behalf, albeit the responsibility cannot be delegated.	



Listening Learning Leading



Schedule 1: functions which are the responsibility of the cabinet, Council and local choice functions – delegation to officers

General delegations

Ref	Function	Consultation (where applicable)
DELEGATIONS TO CHIEF EXECUTIVE, STRATEGIC DIRECTORS AND HEADS OF SERVICE		
1.0	FINANCIAL	
1.1	To incur expenditure within approved capital and revenue budgets.	
1.2	To remit or reduce charges normally paid to the council when there are exceptional or special circumstances justifying the remission or discount.	Cabinet member (executive functions) or chair (non executive functions) if the remission or discount is £500 or above
1.3	To determine the fees and charges to be levied for all council services, excluding car parking charges.	Relevant cabinet member and chairman of scrutiny committee
1.4	To settle small compensation payments up to a value of £500, where a claim has been agreed through the council's complaints procedure.	
1.5	To award revenue and capital grants up to a maximum of £5,000	Cabinet member with responsibility for finance
2.0	LAND, PROPERTY AND ASSETS	
2.1	To incur expenditure on any item or service, including the acquisition of land or property, vehicles, plant and equipment.	Relevant cabinet member where the proposed expenditure exceeds £50,000 or a

Ref	Function	Consultation (where applicable)
		leasing arrangement is proposed
2.2	To serve notices to obtain particulars of persons' interests in land .	
2.3	To serve notices under any enactment and take follow up action .	
2.4	To grant permission to carry out works on the council's land.	Relevant cabinet member
2.5	To declare as surplus, and to sell, assets up to a book value of £10,000.	Relevant cabinet member in the case of land and property with a book value in excess of £5,000
3.0	LEGAL	
3.1	To serve notices, make orders, take enforcement action, and respond to consultations under the provisions of the Anti-Social Behaviour Act 2003 .	
3.2	Without prejudice to any specific delegation in the scheme to authorise the issue and service of any statutory notice or requisition relating to any matters within their area of responsibility and to take any associated enforcement action and authorise default works .	
3.3	Without prejudice to any specific delegation in the Scheme to act as the proper officer for the authentication of any statutory notices, any requisitions, Orders or other documents which are issued and served relating to any matter within their area of responsibility.	
3.4	To approve the copying of documents for the purpose of the copyright, designs and patents legislation.	
3.5	Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other	Head of legal and democratic

Ref	Function	Consultation (where applicable)
	than high court proceedings or above) relating to any matters within their area of responsibility.	services
3.6	Subject to any rules of court to authorise members of staff to attend, appear as witnesses and represent the council in any legal proceedings in court, public inquiries, tribunals or any other hearings.	
3.7	To authorise, under Section 223 of the Local Government Act 1972 (as amended) officers to appear on behalf of the council in proceedings before magistrates' courts.	
3.8	Where any officer has delegated powers to authorise legal proceedings that power also includes the power to administer simple cautions (previously known as formal cautions).	
3.9	To deal with lost and uncollected property found on or deposited from land or property within their area of responsibility (S.41 LG(MP)A 1982).	
3.10	Without prejudice to any specific delegation in the scheme to determine any application for permissions, consents or licences or registration within their area of responsibility.	
3.11	Without prejudice to any specific delegation in this scheme, to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any statutory power of inspection and entry onto land or property, powers of inspection (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.	
3.12	To authorise officers to conduct directed surveillance or the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.	
3.13	To release Council held information under the Data Protection Act 1998 and the Freedom of Information Act 2000.	Head of HR, IT and customer services and head of legal and democratic services on any applications

Ref	Function	Consultation (where applicable)
		for exemptions
3.14	To sign statements of truth on behalf of the council under the civil procedure rules 1998.	
3.15	To make applications relating to planning matters in respect of small projects and minor modifications to projects, e.g. listed building, conservation area and advertisement consents and footpath diversion or tree preservation orders.	
3.16	To make applications for any orders and other application such as building control applications.	
3.17	To authorise any employee to admit liability or to negotiate a settlement of any professional negligence liability claim made against that employee.	Head of legal and democratic services
4.0	STAFFING MATTERS	
4.1	To enter into agreements under section 113 of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils.	Relevant cabinet member Chair of the personnel committee - VALE ONLY
4.2	To take any action required or authorised under any recruitment and selection policies and procedures.	
4.3	To authorise the appointment of temporary and relief staff and agency staff where essential during periods of absence, sickness or holidays or as a result of resignation or to deal with unexpected peaks in workload.	
4.4	To determine applications to extend an employee's contractual period of sick leave on full or half pay for an additional period of up to three months.	Relevant strategic director
4.5	To determine applications for leave of absence without pay .	
4.6	To agree flexible contracts and working patterns , including job share, home working and term time working.	
4.7	To approve the payment of temporary additions to salary	Head of HR,

Ref	Function	Consultation (where applicable)
	where the additional duties of responsibilities are shared by one or more employees.	IT and customer services
4.8	To authorise ex-gratia payments to employees who suffer accidental loss or damage incurred in the course of their duties.	Section 151 officer and head of HR, IT and customer services if above £500
4.9	To authorise and approve any other awards to staff.	Head of HR, IT and customer services
4.10	To authorise contractual salary progression within career graded posts.	
4.11	To authorise the working and payments to employees for standby duties and for overtime.	
4.12	To approve applications for annual, compassionate or other leave.	
4.13	To determine applications for special leave with full pay.	
4.14	To enter into apprenticeship or similar agreements.	
4.15	To determine applications from officers graded senior officer and above for permission to take up secondary employment.	
4.16	To authorise the reimbursement of employees for essential additional expenditure incurred by them in carrying out their duties.	
4.17	To formally discipline staff in strict accordance with the any disciplinary procedures.	Head of HR, IT and customer services
4.18	To approve or remove designated casual or essential user car allowances.	
4.19	To authorise time sheets, mileage and subsistence claims, the payment of casual user car allowances and other	

Ref	Function	Consultation (where applicable)
	expenses.	
4.20	To determine applications from staff for car loans.	
4.21	To authorise the attendance by staff at meetings, discussion groups, exhibitions and conferences.	
4.22	To give approval to staff to attend training courses and day release courses in pursuit of relevant professional or other qualifications.	
4.23	To approve the attendance of employees at conferences, courses, seminars and other training events.	
4.24	To grant paid leave of absence to staff for personal development or training purposes.	
4.25	To authorise the acceleration of increments to staff within their salary scale until the top of the scale is reached.	Head of HR, IT and customer services
5.0	PURCHASES, PLANT, STOCK, EQUIPMENT AND MATERIALS	
5.1	To authorise and incur expenditure of a recurring nature or to purchase stock, plant, equipment and other materials subject to compliance with contracts procedure rules.	
5.2	To hire plant subject to the inclusion of cost of hire within approved estimates.	
5.3	To incur expenditure on the reception and entertainment of persons connected with local government or other public services.	
5.4	To authorise the disposal of surplus stock , plant, equipment and other materials at the best possible prices subject to compliance with contracts procedure rules.	
6.0	CONTRACTUAL AND FINANCIAL MATTERS	
6.1	To take any action authorised by the council's contracts procedure rules and any financial rules and procedures.	
6.2	To monitor and take all necessary action (except legal proceedings) to enforce all the legal provisions contained within any deeds of transfer made between the council and	Head of legal and democratic

Ref	Function	Consultation (where applicable)
	any other organisation and all ancillary provisions contained within any schedules of any deeds relating to any matter within their area of responsibility	services
6.3	To sign on the council's behalf any contract for works, good or services.	
7.0	MISCELLANEOUS	
7.1	To respond to consultations from the government, neighbouring authorities and other public or private sector bodies having regard to any protocol on responding to consultation documents.	
7.2	To carry out the maintenance and publication of performance indicators and other information relating to performance standards.	
7.3	To undertake any roles and functions allocated under any council policies or procedures.	
7.4	To make minor amendments to strategies/policies after approval by council/cabinet prior to publication.	
7.5	To deal with matters relating to the operation of existing agency agreements with Oxfordshire County Council.	
7.6	To review and deal with all complaints in accordance with any comments and complaints procedure.	
7.7	To instruct consultants and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council.	
8.0	URGENCY	
8.1	Without prejudice to any specific delegation in the scheme in cases of emergency or urgency only to carry out any action or exercise any statutory power within their area of responsibility on behalf of the council.	

Chief executive (head of paid service)

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)		
Ref	Function	Consultation (where applicable)
1.0	HUMAN RESOURCES	
1.1	To act as the council's head of the paid service .	
1.2	To determine the council's establishment , numbers of staff, grading, remuneration and deployment and agree terms and conditions for the employment of staff, subject to fundamental changes to the organisation structure being agreed by the cabinet/ personnel committee (personnel committee applies to VALE ONLY).	Chair of the personnel committee and cabinet member with responsibility for HR - VALE ONLY
1.3	To approve any redundancies, retirements, secondments, unpaid leave requests, pension related matters, job maintenance decisions, market premia, annual increments and any other employment related matters , subject to proposals for enhanced benefits being determined by the audit and corporate governance committee / personnel committee	Chair of the personnel committee and cabinet member with responsibility for HR - VALE ONLY
1.4	To resolve the appointments and/or secondments and redundancies of a strategic director or head of service whether or not shared with another authority and whether or not the council is the employing authority. In relation to officers shared with another authority, the matter to have first been considered by the joint staff committee.	Chair of the personnel committee and cabinet member with responsibility for HR - VALE ONLY
1.5	In the event of alleged misconduct on the part of a strategic director or head of service (whether or not shared with another authority but employed by this council), to suspend the officer for a period of up to two months if this is considered appropriate. In relation to officers shared with another authority, the matter to have first been considered by the joint staff committee.	Chair of the personnel committee and cabinet member with responsibility for HR - VALE ONLY
2.0	MISCELLANEOUS	
2.1	To receive and deal with all Ombudsman complaints and authorise local settlements (LGA 1974 and S92 LGA 2000).	

CHIEF EXECUTIVE (HEAD OF PAID SERVICE)		
Ref	Function	Consultation (where applicable)
2.2	To take any action considered necessary in an emergency .	Group leaders

Electoral registration and returning officer

(Elections and Electoral Registration)

ELECTORAL REGISTRATION AND RETURNING OFFICER		
Ref	Function	Consultation (where applicable)
1.0	ELECTIONS AND ELECTORAL REGISTRATION	
1.1	To take such action and make such decisions as are necessary as the council's electoral registration and returning officer .	
1.2	Assigning officers in relation to requisitions of the electoral registration officer.	
1.3	As returning officer to designate an alternative polling place if the designated polling place becomes unavailable for a particular election.	
1.4	Providing assistance at European parliamentary elections .	
1.5	Power to fill vacancies in office and giving notice of casual vacancies .	
1.6	Duties relating to providing notice to the electoral commission and relating to publicity .	

Chief finance (section 151) officer

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
1.0	PAYMENTS	
1.1	To deal with all the council's staff salaries and wages , together with all tax, superannuation and similar deductions	
1.2	To organise, administer and monitor the council's loan scheme and authenticate all agreements relating to the scheme	
2.0	FINANCIAL	
2.1	To sign all cheques and similar documents for the payment of monies due by the council	
2.2	To make determinations relating to government controls over spending and borrowing and to administer the council's accounts and various bank accounts Sections 42, 56, 60 and 63 LGFA1988	
2.3	To organise, administer and monitor any council overdrafts with the council's bank.	
2.4	To organise, administer and monitor any loans or other borrowing arrangements with the council's bank or other lending institutions or individuals.	Cabinet member with responsibility for finance in the case of borrowing for more than 365 days.
2.5	To organise, administer and monitor the investment of council funds and other treasury management functions .	
2.6	To act as the money laundering reporting officer .	
2.7	To make exceptions to the limits in the treasury management investment strategy (TMIS) in any financial year up to £3,000,000, where he is satisfied that it is financially advantageous to the council and at a comparable level of risk to that detailed in the TMIS.	Cabinet member with responsibility for finance
3.0	DEBT COLLECTION	
3.1	To authorise the writing off of any debt .	Cabinet member with

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
		responsibility for finance when over £5,000
4.0	COUNCIL TAX AND LOCAL TAXATION	
4.1	To grant discounts/relief to non-domestic ratepayers under Sections 43, 45, 47 and 49 LGFA 1988.	
4.2	To determine all applications for discretionary council tax reductions in accordance with any rules made by the council. (S.13A.LGFA 1992).	
5.0	MISCELLANEOUS	
5.1	To determine variations in interest rates on mortgages and advances for private house purchase.(S.438 HA 1985).	
5.2	To authorise action and incur expenditure in connection with emergencies and disasters , in accordance with the Financial procedure rules.	
5.3	To authorise postponement of the council's right to repayment of discount until after a lender has received the amount owing on a mortgage.	
5.4	To determine applications for the postponement of the council's registered charge following the sale of a council house. (S.156 HA 1985).	

Head of corporate strategy

(Communications, community strategy, climate change, waste including waste strategy; grounds maintenance)

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
1.0	GRANTS	
1.1 (SODC ONLY)	To approve or refuse extensions for the take up of community investment fund grant awards.	
1.2	To approve applications for community grants below £500.	
1.3 (SODC ONLY)	To transfer money allocated in the provisional capital programme for external capital grants to the approved capital programme as and when required to pay grants previously approved by cabinet for awards of £25,000 or over.	
1.4 (SODC ONLY)	To transfer money out of the approved capital programme and into the provisional programme as and when money is no longer required to pay grants.	
2.0	PUBLICITY	
2.1	To compile and deal with all the council's publicity material including the publication of any council magazine and all press releases (S142, 144, 145 LGA 1972 and S2 LGA 1986).	
3.0	OPEN SPACES (Recreation grounds, parks and gardens and riverbanks)	
3.1	To monitor and take all necessary action relating to the day to day management of all the council's open spaces.	
3.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract or quasi-contract for the management and maintenance of all open	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	spaces.	
3.3	To determine all applications for the letting and use of all the council's open spaces.	Relevant cabinet member (in the case of free or other special terms only)
3.4	To determine all applications for the holding of fairs, fetes and other entertainment on the council's recreation grounds, parks and gardens.	Relevant cabinet member
3.5	To negotiate and authorise the entering into of open space agreements. (S.9 OSA 1906)	Relevant cabinet member
3.6	To authorise the commencement continuation, discontinuance or settlement of any legal proceedings for any offence against any statute byelaw or other law relating to the council's recreation grounds, open spaces and gardens.	Head of legal and democratic services
4.0	REFUSE AND STREET CLEANING	
4.1	To monitor and take all necessary action to enforce the provisions of the contract with any contractor relating to refuse and street cleaning.	Relevant cabinet member and head of legal and democratic services in the case of legal proceedings only
5.0	ENVIRONMENTAL PROTECTION	
5.1	To comment on applications for the grant of waste management licences. (S.35 and 40 EPA 1990)	
5.2	To authorise and serve any notices specifying the requirement of the collection of household or commercial waste. (S.46 and 47 EPA 1990)	
5.3	To authorise and serve any notice requiring the removal of waste unlawfully deposited (S.59 EPA 1990).	
5.4	To authorise the service of any Notices and	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	take all necessary action relating to the collection of waste, the provision of dustbins and to secure the removal of rubbish. (S.34 PHA 1961)	
6.0	BURIAL	
6.1	To grant exclusive rights of burial and sign the necessary certificate	

Head of economy, leisure and property

(Car parks, emergency planning, leisure including arts, sports; economic development; property including facilities management and mobile home parks)

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
1.0	LAND AND PROPERTY MATTERS	
1.1	To manage the council's land and property portfolio.	
1.2	To authorise the following types of land and property transactions provided the best possible price is obtained and no statutory protection is likely to be obtained:-	
	(a) To approve the freehold sale or lease of land and property where the land or property transaction is below £50,000.	Head of legal and democratic services
	(b) To approve and accept surrenders or terminations of leases and licenses and determine applications for the assignment, sub lettings and transfer of leases and licences and the granting of sub-leases and under leases and other applications for consent required by lessees.	Head of legal and democratic services
	(c) To determine the renewal of leases and tenancies .	Cabinet member/head of legal and democratic services where the annual rental value exceeds £10,000
	(d) To grant new leases and tenancies up to an annual rental value limit of £50,000.	Cabinet member/head of legal and democratic services where the annual rental value exceeds £10,000
	(e) To negotiate and approve rent reviews and licence fee reviews .	Head of legal and democratic services
	(f) To determine applications for the release or variation of covenants .	Head of legal and democratic services
	(g) To grant wayleaves, easements, licences	Head of legal and

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
	and other rights of users in respect of council owned land or property.	democratic services
(h)	To dedicate land owned by the council as a highway.	Head of legal and democratic services
(i)	To enter into agreements under section 278 of the Highways Act 1980.	Head of legal and democratic services
(j)	To determine requests from developers for the council to adopt land on housing developments , subject to the payment of a commuted sum and the land being transferred at a nominal sum.	
(k)	To serve notices required in relation to the acquisition, disposal, rental, leasing and management of land and property.	
2.0	MOBILE HOMES	
2.1	To allocate pitches for the stationing of mobile homes on the council's mobile home sites and enter into agreements with occupiers of such mobile homes (S.1 MHA 1983).	
2.2	To determine applications for the succession, transfer or exchange or sale of Mobile Homes (S.3 MHA 1983).	
2.3	To determine all others matters relating to the management of the council's Mobile Home Sites, including authorising the service of any notices and the commencement, continuance, defence, settlement or discontinuance of any legal proceedings (other than High Court Proceedings or above) against occupiers, including also the issue and execution of Warrants for Possession. (SCH 1968 S.2 and Sch.1 MHA 1983).	Relevant cabinet member in the case of legal proceedings only (other than cases of rent arrears or urgency).
3.0	SEWERAGE AND LAND DRAINAGE	

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
3.1	To carry out all the statutory duties and powers of Thames Water Utilities under the terms and conditions of any agency agreement or contract including the adoption of any sewer or drains by Agreement or otherwise. (WA 1989 and S.17 18 PHA 1936).	
3.2	To authorise and serve any notices of entry onto land in connection with the provision or maintenance of sewerage facilities or the alteration of sewerage or drainage systems. (WA 1989).	
3.3	To authorise the making of any agreement with the highway authority for the use of highway sewers as sewers for sanitary purposes or to allow public sewers to be used for the drainage of public highways. (S.21 PHA 1936).	
3.4	To require works to be carried out relating to the disconnection of drains (S62 BA 1984).	
3.5	To authorise and serve any notice for the repair, maintenance and cleansing of any culvert (S.264 PHA 1936).	
3.6	To authorise drainage works and exercise any powers of the drainage authority to prevent flooding or remedying or mitigating any flood damage (S.14 LDA 1991).	Relevant cabinet member, except in cases of emergency or urgency.
3.7	To provide a drainage clearance service to clear private blocked sewers and all drains and to serve the necessary notice and form on the relevant owners and occupiers (S17 and 22 PHA 1961 and S35 LG (MP) A 1976).	
3.8	To authorise and serve any notice for the maintenance of the flow of non-main river watercourses . (S.25 LDA 1991).	
4.0	LEISURE FACILITIES (INCLUDES LEISURE CENTRES, CIVIC CENTRES ARTS AND TOURISM FACILITIES)	
4.1	To manage the council's non contracted facilities	

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
	and monitor and take all necessary action relating to the day to day management of all the council's leisure facilities.	
4.2	To monitor and take all necessary action (except legal proceedings against the relevant contractor) to enforce the provisions of any contract for the management of the council's leisure and sports centres and other facilities .	
4.3	To authorise the commencement continuation, discontinuance or settlement of any legal proceedings for any offence against any statute byelaw or other law relating to the council's leisure and sports centres.	Head of legal and democratic services
4.4	To determine and take all necessary action in respect of the promotion of sports and the arts within the district.	
4.5	To respond to consultations on applications for lottery funding.	Relevant cabinet member
4.6	To prepare and submit National Lottery and Sports Council and similar grant applications for monies on behalf of the council.	
5.0	MARKET TOWNS	
5.1	To make awards of grants to match-fund the market towns' grant applications to the South East England Development Agency small market towns fund , based on the towns' submissions to the Oxfordshire Market Towns Network.	Relevant cabinet member
5.2	To award any capital grants to be made under the market town action plans for which there is an approved budget.	
6.0	CAR PARKING	
6.1	To authorise the enforcement of the provisions of the council's car parking orders (S.35A 112 RTRA 1984)	
6.2	To determine applications to use the council's	Relevant cabinet

HEAD OF ECONOMY, LEISURE AND PROPERTY		
Ref	Function	Consultation (where applicable)
	pay and display car parks for the following purposes:	member
	(a) Requests for charitable organisations to use the car parks to hold fund raising events such as flag days and charity car washes.	
	(b) Requests for charities or other not-for-profit organisations to locate temporary mobile units offering advice and information at car parks.	
	(c) Requests from public bodies such as Southern Electricity and training and enterprise councils, offering advice and information at car parks.	
	(d) Requests to reserve spaces in the car parks or waive charges for parking during special events .	
	(e) Requests for permits to be issued to allow car parks to be used for the purposes of dropping off and picking up where no other suitable parking facilities exist, such as schools and playgroups.	
	(f) Requests from private companies wishing to gain alternative temporary access to their businesses or have a temporary base (e.g. film crews) at the car parks for which a charge is made.	
6.3	To wave car park charges for Christmas and other special occasions.	Relevant cabinet member
6.4	To determine appeals against excess charge notices issued for contravention of regulations in the council's car parks.	
6.5	To write off excess charge notices .	
7.0	EMERGENCY PLANNING	
7.1	All operational matters in relation to preparation for and management of the council's response to civil emergencies.	

Head of finance

(Revenues and benefits client/benefit fraud (Vale), accountancy (SODC), revenues, benefits, payments and assisted travel (Capita), internal audit (Vale) and payroll)

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
1.0	FINANCIAL	
1.1	To effect such insurances as are necessary, compatible with the proper management of the council's assets, and having regard to potential liabilities and other risks.	
1.2	To deal with all insurance claims and the settlement of such claims with the council's insurers.	
1.3	To receive and bank all income received by the council.	
1.4	To administer the statutory schemes for payment of housing benefit, rent allowances, rent rebates, council tax rebates and transitional relief, including the exercise of discretion in exceptional circumstances.	
1.5	To approve the issue of liability orders .	
1.6	To grant discretionary housing payments in accordance with the Child Support, Pensions and Social Security Act 2000.	
1.7	To administer sanctions and initiate proceedings in accordance with the Social Security Administration Act 1992 and the Theft Act 1968 and any future enactments.	
1.8	To authorise officers to obtain information from employers, etc under Section 110A of the Social Security Administration Act 1992.	
2.0	DEBT COLLECTION	
2.1	To organise, administer and monitor the collection and recovery of sundry debts owed to the council, including excess parking charges and to authorise the issue and service of all notices and demands concerning the same.	
2.2	Subject to any rules of court, to authorise those members of staff who may represent the council as advocates or as witnesses in any legal proceedings relating to the council	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
	tax community charge or housing benefit and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	
3.0	COUNCIL TAX, COMMUNITY CHARGE AND LOCAL TAXATION	
3.1	To administer the demand, collection and recovery of the council tax, community charges, rates and other locally levied or collected taxes.	
3.2	Subject to any rules of court, to authorise those members of staff who may represent the council as advocates or as witnesses in any legal proceedings relating to the council tax community charge and rates and in any other proceedings relating to any other locally levied or collected taxes fees and charges in court, public inquiries, tribunals or similar hearings or panels.	
4.0	BENEFITS	
4.1	To administer and determine all applications for housing, council tax, community charge or other benefits.	
4.2	To determine entitlement to concessionary fares and to organise, administer and maintain the concessionary fares scheme.	
4.3	To authorise criminal proceedings for housing and council tax benefit (SSAA 1992 and WRA 2007)	
4.4	To prosecute for offences relating to national benefits administered by the Department for Work and Pensions.	
4.5	To investigate national benefits (income support, jobseeker's allowance, incapacity benefit, state pension credit or employment and support allowance) in conjunction with investigating housing and council tax benefit in the same case.	
5.0	AUDIT	
	Functions for maintaining an adequate and effective system of internal audit.	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
6.0	MISCELLANEOUS	
6.1	To exercise discretion in waiving the repayment of renovation and associated housing grants .	

Head of health and housing

(Housing, environmental protection, food and safety)

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
1.0	HOUSING	
1.1	Allocation management of housing accommodation.	
1.2	To discharge the council's statutory responsibilities for homelessness under the housing legislation.	
1.3	To keep and maintain a housing register .	
1.4	To determine on application or otherwise whether any person should be placed on the housing register and amend or remove any such entry in appropriate circumstances and to review any decision not to place or to remove a person from the housing register.	
1.5	To provide information to any person on the housing register relating to himself.	
1.6	To allocate housing accommodation to those persons qualifying for accommodation in accordance with the council's approved allocation scheme.	
1.7	To provide information about the council's allocation scheme to any member of the public.	
1.8	In exercising the allocation of housing functions mentioned above to notify all applicants and other relevant persons of all decisions made giving reasons where appropriate.	
1.9	To determine applications for accommodation / assistance by former agricultural workers under the rent (agriculture) legislation.	
1.10	To determine the allocation of dwellings to local people who have special needs .	
1.11	To exercise the powers of the council in relation to	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
	houses in multiple occupation and means of escape from fire.	
1.12	To determine claims and authorise payments for home loss and disturbance .	
1.13	To determine applications for mandatory and discretionary grants for the provision, repair, maintenance, renewal or improvement of housing.	
1.14	To determine applications for disabled facilities grants in accordance with the Housing Grants, Construction and Regeneration Act 1996.	
1.15	To determine applications for homes repair assistance for minor works.	
1.16	To comment on bids from registered social landlords for funding from the Housing Corporation.	Relevant cabinet member
1.17	To allocate sites for affordable housing development to registered social landlords.	Relevant strategic director and relevant cabinet member
1.18	To serve statutory notices and take enforcement action relating to housing and associated matters for example prohibition orders, improvement notices, hazardous awareness notices and empty dwelling management orders.	
1.19	To enter into nomination agreements .	
1.20 (VALE ONLY)	To acquire and dispose of land and property where the transaction forms part of the council's housing capital budget and is for a sum less than £500,000 and the transaction and associated costs can be met from the housing association programme budget.	
1.21 (VALE ONLY)	To authorise the approval and amendment of council's housing capital budget subject to any approved criteria for housing association developments.	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
2.0	PRIVATE HOUSING	
2.1	To authorise the commencement, continuation, settlement, discontinuance or defence of legal proceedings (other than High Court proceedings or above) for unlawful eviction or harassment.	
2.2	To exercise the powers conferred on district councils under the Housing Act 2004.	
2.3	To keep under review the housing conditions in the district.	
2.4	To carry out inspections of any residential premises to see if a category 1 or category 2 hazard exist.	
3.0	OVERCROWDING	
3.1	To serve, vary and revoke an overcrowding notice .	
3.2	To take any necessary action available to remedy overcrowding .	
4.0	HOUSING RENEWAL / ASSISTANCE	
4.1	To exercise the powers conferred on housing authorities under the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002 Article 3.	
4.2	To determine all applications for housing renewal and disabled facilities adaptations in accordance with the councils adopted policy.	
4.3	To recover monies secured by charge on sale of property or transfer of title deed in accordance with housing renewal policy applicable when application determined	
4.4	To exercise the powers and duties of the council under the national assistance legislation.	
5.0	CARAVAN SITES AND MOVEABLE DWELLINGS LICENSING	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
5.1	To determine all applications for permissions, consents, licences or for registrations under the provisions of those statutes regulating caravan sites or moveable dwellings including the power to make a final empty dwelling management order.	
5.2	To exercise the powers conferred on district councils under the Caravan Sites and Control of Development Act 1960.	
5.3	To issue a licence for use of land as a caravan site and to attach or alter conditions to a licence.(S.3 and S.5 CSCD Act 1960)	
5.4	To transfer a licence on change of land ownership. (S.10 CSCD Act 1960)	
5.5	To authorise prosecution for failing to comply with site licence conditions. (S.9 CSCD Act 1960)	
5.6	To authorise officers for enforcement purposes.(S.26 CSCD Act 1960)	
5.7	To keep a register of site licences issued. (S.25 CSCD Act 1960)	
5.8	To apply to a justice of the peace for a warrant to authorise entry . (S.26 CSCD Act 1960)	
5.9	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to caravan sites and moveable dwellings shops and health and safety at work matters.	
6.0	SUPPLEMENTARY AND FINAL PROVISIONS	
6.1	To enter premises for purposes of carrying out a survey or examination. (S.239 HA Act 2004)	
6.2	To serve and revoke an HMO declaration notice . (S.255 and S.256 HA Act 2004)	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
6.3	To relax the standards contained in the Chartered Institute of Environmental Health Amenity Standards for HMO where this cannot reasonably be achieved other than in the case of fire precaution standards.	
6.4	To apply to a justice of the peace for a warrant to authorise entry . (S.240 HA Act 2004)	
6.5	To authorise officers for enforcement purposes. (S.243 HA Act 2004)	
6.6	To authorise prosecution of any offence under the Housing Act 2004.	
7.0	ENVIRONMENTAL PROTECTION	
7.1	To determine applications for authorisation under the provisions of Part 1 of Environmental Protection Act 1990 .	
7.2	To determine land as contaminated land under section 78B of the Environmental Protection Act 1990.	
7.3	To maintain any public register of information relating to environmental protection. (S.20 EPA 1990)	
7.4	To determine all applications for authorisation to carry out any prescribed processes. (S.6 EPA 1990)	
7.5	To authorise and serve any enforcement and prohibition notices (S.13 and 14 EPA 1990)	
7.6	To authorise and serve any fixed penalty notices for leaving litter (S.88 EPA 1990)	
7.7	To authorise and serve litter abatement notices in respect of any relevant land (S.92 EPA 1990)	
7.8	To authorise and serve street litter control notices in respect of any prescribed land (S.93 EPA 1990)	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
7.9	To serve a notice of Intention to make a litter control area designation order .	
7.10	To authorise and serve any notices to control noise on construction site (S.60 CPA 1974)	
7.11	To determine all applications for consent for works on construction sites unrelated to any application under the building regulations. (S.61 CPA 1974)	
7.12	To authorise and serve any notices and take all necessary action relating to the removal of abandoned vehicles or other things. (S.3-8 RD(A)A 1978)	
7.13	To authorise and serve any Notice to control emissions from furnaces (S.7 and 8 CAA 1956)	
7.14	To authorise and serve any abatement notices relating to statutory nuisances (S.79 and 80 EPA 1990).	
7.15	To monitor and take all necessary action to enforce the provisions of any contract with any contractor relating to dog control and/or pest control , including authorising legal proceedings (other than legal proceedings in the High Court or above), in respect of the contract.	
7.16	To discharge the council's statutory responsibilities in connection with stray dogs .	
7.17	To approve the use by the council's dog warden boarding establishments, kennels and veterinary services .	
7.18	To deal with all matters relating to applications for licences, permits and registrations .	
7.19	To authorise and serve any notices requiring information for the purposes of exercising any of the statutory powers mentioned above.	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
7.20	To authorise in writing any member of staff to exercise any statutory powers of entry relating to any of the powers mentioned above.	
7.21	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to any of the environmental protection powers mentioned above.	
7.22	To enforce the provisions of the Sunday Trading Act 1994 .	
7.23	To serve statutory notices and take enforcement action relating to environmental or public health, housing and associated matters, food and shops generally and health and safety at work .	
7.24	To apply to the licensing authority for a review of a premises licence or club premises certificate.	
7.25	To advertise and serve a defective premises notice where premises are prejudicial to health or nuisance and to authorise the execution of default works and the recovery of any expenses in so doing. (S.76 BA 1984)	Relevant cabinet member in the case of default works only
7.26	To authorise and serve any notice to execute works of repair or restoration or demolish ruinous and dilapidated buildings and to remove rubbish from neglected sites. (BA 1984)	Head of legal and democratic services
7.27	To receive notices of intended demolition and to authorise and serve any notices regulating such demolition. (S.80-82 BA 1984).	
7.28	To determine applications for consent to change entrances . (S.85 BA 1984).	
8.0	FOOD SAFETY AND HYGIENE	
8.1	To keep and maintain any register of food premises and businesses and determine any application for licences. (S.19 FSA 1990).	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
8.2	To appoint those members of staff who may be authorised to carry out any duties and powers relating to food safety and hygiene and related matters. (S.5 and 49 FSA 1990).	
8.3	To authorise and serve any notice requiring the provision of food storage accommodation in any house or building. (S.70 BA 1984).	
8.4	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to the food safety or hygiene powers mentioned above or to the relevant regulations made under the European Communities Act 1972.	
8.5	To determine applications for certificates in connection with the export of food to certain foreign countries .	
9.0	HEALTH AND SAFETY	
9.1	To authorise in writing those members of staff who may carry out statutory duties and powers relating to the opening and closing of shops , including exercising statutory powers of inspection and entry (Para 2 Sch 2 STA 1994).	
9.2	To authorise those members of staff who may exercise statutory duties and powers relating to health and safety at work , including statutory powers of inspection and entry and to authorise the service of Improvement and prohibition notices (S.19 HSWA 1974).	
9.3	To appoint inspectors under S=sections 19 and 20 of the Health and Safety at Work Etc Act 1974.	
9.4	To exercise the council's powers and duties under the Health Act 2006 , including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	
10.0	NOTIFIABLE DISEASES	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
10.1	To authorise and serve notices and take all other action to prevent the spread of disease as follows (S23, 26, 30, 31 and 32 PH (CD) A 1984):	Medical officer/community physician
	(a) in places of entertainment or assembly	
	(b) through infectious matter being placed in dustbins	
	(c) through the occupation of a house	
	(d) through the disinfection of premises or articles	
	(e) by the removal of persons from houses to allow disinfection	
10.2	To make an order to prohibit any person from carrying out certain work on premises where a notifiable disease exists (S28 PH (CD) A 1984).	Medical officer/community physician
10.3	To apply to a JP for an order and take all other action to give effect to any order to remove a person with a notifiable disease to a hospital (S37 PH (CD) A 1984).	Medical officer/community physician
10.4	To apply to a JP for an order and take all other action to give effect to any order to detain a person with a notifiable disease in a hospital (S38 PH (CD) A 1984).	Medical officer/community physician
10.5	To receive and deal with any notices received from a keeper of a common lodging house concerning any person with any infectious disease (S39 PH (CD) A 1984).	Medical officer/community physician
10.6	To make an order to remove a person with a notifiable disease from a common lodging house (S41 PH (CD) A 1984).	Medical officer/community physician
10.7	To apply for a court order to close a common lodging house on account of the existence or occurrence of a notifiable disease (S42 PH (CD) A 1984).	Medical officer/community physician
10.8	To authorise the discharge of the council's statutory functions relating to burials and	Medical officer/community

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
	cremations.	physician
10.9	To authorise any member of staff to enter and inspect canal boats (S50 PH (CD) A 1984).	Medical officer/community physician
10.10	To take all necessary steps to prevent the spread of disease on canal boats (S51 PH (CD) A 1984).	Medical officer/community physician
10.11	To publish information, deliver lectures and produce displays or films on health or disease issues (S54 PH (CD) A 1984).	Medical officer/community physician
10.12	To appoint in writing a suitably qualified medical practitioners to act as the council's community physician (proper officer) and deputies in connection with the control of disease (S74 PH (CD) A 1984) and to rescind any appointment.	
11.0	RATS AND MICE / PEST CONTROL	
11.1	To authorise and take all necessary action to keep the district free from rats and mice (S.2, 4, 5, 6, 7 and 10 PDPA 1949).	
11.2	To authorise and serve any Notice relating to the destruction of rats and mice (S.4 and 22 PDPA 1949).	
11.3	To authorise in writing those officers who may exercise powers of inspection and entry relating to rats and mice matters (S.22 PDPA 1949).	
11.4	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to any of the powers mentioned relating to rats and mice.	
11.5	To take all necessary action to reduce the number of pigeons etc in any built up area in the district. (S.74 PHA 1961).	
11.6	In cases of hardship, to waive or vary the	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
	charges for pest control measures.	
12.0	SANITATION AND LAND DRAINAGE	
12.1	To authorise and serve any notices relating to the repair of defective water closets or privies (S.45 PHA 1936).	
12.2	To authorise the examination and testing of any convenience, sewer, drain or cesspool (S.48 PHA 1936).	
12.3	To authorise and serve any notices requiring the remedying of any overflow or leaking cesspool. (S.50 PHA 1936).	
12.4	To authorise the repair and maintenance or clearance of any defective sewers, drains, water closets or other pipes and to serve any prior Notice relating to such action (S.17 PHA 1961), (S35 LG(MP) A 1976).	
12.5	To authorise by agreement the repair or cleansing of any drain, water closet, sink or similar apparatus and charge the person the council's standard charge. (S.22 PHA 1961).	
12.6	To authorise and serve any notices requiring the satisfactory provision for the drainage of any building or the repair or cleansing of any sewers, drains, pipes, cesspools or similar apparatus. (S.59 BA 1984).	
12.7	To authorise and serve any notices precluding the use of rainwater pipes for drainage from any sanitary convenience (S.60 BA 1984).	
12.8	To authorise and serve any notices requiring any provision of closets in any buildings (S.64 BA 1984).	
12.9	To authorise and serve any notices requiring the provision of sanitary conveniences or appliances in any workplace or place of entertainment. (S.65 BA 1984 and S.20	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
	LG(MP)A 1976).	
12.10	To authorise the loan of temporary sanitary conveniences when normal conveniences have been disconnected S67 BA 1984).	
12.11	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court proceedings or above) relating to any of the sanitation and drainage powers mentioned above.	
13.0	LOCAL ENVIRONMENTAL QUALITY	
13.1	To serve notices, make orders and to take enforcement action under the provisions of the Clean Neighbourhoods and Environment Act 2005 .	
13.2	To authorise town and parish council officers and staff nominated by the council's contractors to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act and the Clean Neighbourhoods and Environment Act 2005 .	
13.3	To serve fixed penalty notices (FPNs) (CNEA 2005).	
13.4	To exercise the powers of entry relating to the offences to which these FPNs relate (CNEA 2005).	
13.5	To authorise the commencement continuance defence continuance or settlement of any legal proceedings (other than High Court or above) relating to the offences to which these FPNs relate (CNEA 2005).	
13.6	To serve notices, make orders and to take enforcement action under the provisions of the Antisocial Behaviour Act 2003 .	
13.7	To serve fixed penalty notices (FPNs) (ASBA 2003).	
	To exercise the powers of entry relating to the	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
	offences to which these FPNs relate (ASBA 2003).	
13.8	To authorise the commencement continuance defence continuance or settlement of any legal proceedings (other than High Court or above) relating to the offences to which these FPNs relate (ASBA 2003).	
13.9	To authorise other council officers and other persons as allowed by law to serve any FPNs.	
13.10	To authorise and sign any notices and to take default action and execute works under the refuse and litter legislation .	
13.11	To give authority to police community support officers to issue fixed penalty notices in respect of litter, dog fouling, graffiti and fly posting.	
14.0	SMOKING CONTROLS	
14.1	To act in matters arising under the Health Act 2006 (S.10(5))	
15.0	ANIMAL WELFARE	
15.1	To exercise the council's powers and duties under the Animal Welfare Act 2006 , including licensing and registration functions, service of notices, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
15.2	To authorise the appointment of inspectors for the purposes of the AWA 2006.	
15.3	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than High Court Proceedings or above) relating to offences under the AWA 2006.	
16.0	LAND AND BUILDINGS	
16.1	To serve Notice in respect of the condition of land and buildings (S.215 TCPA 1990)	

HEAD OF HEALTH AND HOUSING		
Ref	Function	Consultation (where applicable)
16.2	To serve notice in respect of information relevant to the S.215 procedure (S.330 TCPA 1990).	
16.3	To instigate powers to undertake clean up works in default of a Notice (S.219 TCPA 1990).	
16.4	To instigate legal proceedings under for failure to comply with a Notice (S.216 TCPA 1990).	
16.5	To arrange for the restoration or continuation of water, gas or electricity supplies.	

Head of HR, IT and customer services

(Contact services, human resources, organisational change, ICT; street naming)

HEAD OF HR, IT AND CUSTOMER SERVICES		
Ref	Function	Consultation (where applicable)
1.0	HUMAN RESOURCES	
1.1	To take any action required or authorised under the council's recruitment and selection policy and procedures.	
1.2	To issue and authenticate all council contracts of employment .	
1.3	To make awards to employees achieving qualifications.	
1.4	To authorise contractual salary progression .	
1.5	To determine staff salary grades in accordance with the council's approved job evaluation scheme.	
1.6	To authorise honoraria to staff.	
1.7	To implement pay awards and decisions of national negotiating bodies.	
1.8	To make appointments and dismissals of staff.	
1.9	To undertake any disciplinary action .	
1.10	To undertake any action necessary in respect of job maintenance and staff capabilities .	
1.11	To determine applications for loans for assisted car purchase .	
1.12	To authorise casual and essential user car allowances	
2.0	FREEDOM OF INFORMATION	
2.1	To adopt future versions of the Information Commissioner's Standard Publication Scheme .	

HEAD OF HR, IT AND CUSTOMER SERVICES		
Ref	Function	Consultation (where applicable)
2.2	All responsibilities under the Freedom of Information Act 2000 , mainly maintain a publication scheme for the proactive release of information; confirm or deny to applicants whether the council holds information not covered by the publication scheme and disclose the information to applicants, providing it is not exempt under the Act.	Head of legal and democratic services in respect of any applications for exemptions
3.0	STREET NAMING, NUMBERING AND CLOSURES	
3.1	To authorise the display and service of any Notice and authorise the naming or alteration of any street name provided it is unopposed (S.13 OA 1985).	
3.2	To place the name of any street in a conspicuous position (S.13 OA 1985).	
3.3	To confirm new street names .	Group leaders and local ward councillors

Head of legal and democratic services

(Community safety, democratic services, elections, legal, licensing, local land charges)

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
1.0	LEGAL	
1.1	To authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings and to deal with all related matters.	Relevant head of service
1.2	To authorise the commencement, continuation, defence, settlement or discontinuance of any legal proceedings for the prosecution of any alleged offences following the service of any notice issued by the council or relating to any breach of the advertisement regulations or the provisions of the Planning (Listed Buildings & Conservation Areas) Act 1990.	Head of planning
1.3	To authorise the service of any high hedges remedial notice , and to authorise works to be carried out in default of compliance with any high hedges remedial notice.	Head of planning
1.4	To prepare any agreements, orders, directions, notices and other documents for the council.	
1.5	To accept service of any legal proceedings commenced against the council and any pleadings, notices and other documents relating to such proceedings.	
1.6	To instruct counsel or outside solicitors to represent or otherwise assist the council in any legal proceedings in court, public inquiries, tribunals and similar hearings .	
1.7	To instruct counsel or outside solicitors to advise or otherwise assist the council in connection with any legal work of the council.	
1.8	To make road closure orders under the Town Police Clauses Act 1847.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
1.9	To authorise and make orders for the temporary closure of streets during public processions. (S.21 TPCA 1847).	
1.10	To grant wayleaves, easements, licences and other rights of use in respect of council property.	
1.11	To document rent reviews .	
1.12	To enter into agreements with developers in relation to proposed foul sewerage systems for estates.	
1.13	To enter into other legal agreements .	Relevant head of service
1.14	To initiate proceedings for the recovery of all sums due to the council.	
1.15	To institute proceedings for making anti social behaviour orders .	
1.16	To make orders and make temporary appointments to parish councils as required under the powers in Section 91(1) of the Local Government Act 1972.	
1.17	To be responsible for the authentication of any council documents .	
1.18	To be responsible for the common seal and for sealing any documents on behalf of the council.	
1.19	To organise, administer and monitor the collection and recovery of sundry debts owed to the council, including excess parking charges and to authorise the issue and service of all notices and demands concerning the same.	
1.20	To make an order under Section 109 of the Local Government act 1972 to grant, on request, powers to parish meetings .	
2.0	DEMOCRATIC	
2.1	To make any necessary amendments to the Constitution to give effect to any council decisions.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
2.2	To make appointments to outside bodies , occurring during the period of appointments, where they arise as a result of vacancies or new appointments.	Group leaders
2.3	To approve attendance of councillors at seminars and conferences, training courses and any other events.	Group Leaders
2.4	To appoint members to task groups and panels.	Group leaders
2.5	To approve and make amendments to the calendar of meetings .	Group leaders.
3.0	LICENSING	
3.1	To determine all applications (including variations, transfers, suspensions, terminations and revocations), exercise all statutory powers and carry out all functions for which the council is the responsible authority in relation to licensing and registration as specified in Regulation 2 and schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any amendments thereto.	
3.2	To appoint new hackney carriage ranks following the statutory consultation process (S63 LG(MP)A 1976).	Relevant cabinet member and local member(s)
3.3	To apply on behalf of the council relevant powers in connection with provisions of the Road Traffic Act 1988 (RTA 1988) and Road Safety Act 2006 (RSA 2006).	
3.4	To serve a counter notice in respect of temporary event notices .	
3.5	To determine applications for personal licences where there are no police objections and no unspent convictions.	
3.6	To determine applications for premises licences/club premises certificates , including variation and transfer applications where there are no valid representations.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
3.7	To determine applications for designated premises supervisors , including variations (and removal requests) where there are no police objections.	
3.8	To deal with applications for interim authorities where there are no police objections.	
3.9	To decide whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.	
3.10	To decide whether a representation is a valid representation.	
3.11	To decide on behalf of the authority that a hearing is not necessary when all relevant persons so agree.	
3.12	To determine applications for gambling premises licences , including variation and transfer applications where no representations have been received or representations have been withdrawn.	
3.13	To determine applications for provisional statements where no representations have been received or representations have been withdrawn.	
3.14	To determine applications for club gaming / club machine permits where no objections have been made or objections have been withdrawn.	
3.15	To cancel licensed premises gaming machine permits .	
3.16	To determine applications for other permits .	
3.17	To lodge objections to applications for vehicle operators licences (S12 GV(L of O) A 1995).	
3.18	To exercise the council's powers and duties under the Animal Welfare Act 2006 , including licensing and registration functions, service of notices, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
4.0	LOCAL LAND CHARGES	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
4.1	To be responsible for local land charges and any registration or searches in accordance with the local land charges legislation.	
4.2	To negotiate and agree with enquirers fees for supplementary enquiries when the standard fees are inappropriate.	
5.0	HIGHWAYS	
5.1	To authorise the making of an agreement for the adoption of highways on behalf of the Highway Authority. (S.38 HA 1980).	
5.2	To authorise and serve any notice relating to the removal of structures from highways . (S.143 HA 1980).	
5.3	To authorise and serve any notice relating to the enlargement of gates across highways or bridleways . (S.145 HA 1980).	
5.4	To authorise and serve any notice relating to the maintenance of stiles, gates or other works . (S.146 HA 1980).	
5.5	To authorise the erection of stiles, gates or other works on footpaths or bridleways . (S.147 HA 1980).	
5.6	To authorise and serve any notice requiring the removal of things deposited on highways and authorise the removal of the same with or without a Disposal Order. (S.148 HA 1980).	
5.7	To authorise and serve any notice and take any other action relating to any dead, diseased, damaged, insecure or overhanging hedges, trees or shrubs . (S.154 HA 1980).	
5.8	To authorise and serve any notice for the prevention of water flowing onto highways . (S.163 HA 1980).	
5.9	To authorise and serve any notice and take any other action to require the removal of barbed wire near a	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
	highway. (S.164 HA 1980).	
5.10	To authorise and serve any notice and take any other action relating to dangerous land, forecourts and retaining walls near streets. (S.165-167 HA 1980).	
5.11	To require the removal of obstructions and the filling in of excavations on streets. (S.174 HA 1980).	
5.12	To issue consents for the construction of vaults, arches or cellars under streets. (S.179 HA 1980).	
5.13	To issue consents for the control of openings and works on a street to provide access, air or light to premises. (S.180 HA 1980).	
5.14	To determine applications for Licences relating to apparatus in or under highways. (S.181 and 182 HA 1980).	
5.15	To require payments and determine liability and amounts of payments under the Advance Payments Code (S.219 and 220 HA 1980).	
6.0	FOOTPATHS AND BRIDLEWAYS	
6.1	To authorise the making and confirmation of any footpath and bridleway orders for the stopping up, or diversion of footpaths and bridleways, subject to: -	
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
7.0	COMMUNITY SAFETY	
7.1	To authorise expenditure in connection with the funding of projects from specific government funding streams provided for community safety initiatives	

Head of planning

(Building control; development management; planning policy; trees)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.0	PLANNING	
1.1 (SODC ONLY)	<p>To determine all applications relating to planning matters e.g. planning permission, reserved matters; listed building consent; conservation area consent; advertisement consent; demolition consent; hazardous substances consent; certificate of appropriate alternative development; certificate of lawful development; (including retrospective applications) and to discharge any conditions and determine minor variations.</p> <p>This delegation is subject to the following:</p>	
	(a) the right of any member of the council to require any application to be referred to the planning committee. Such notice to be given in writing within 28 days of the date of registration of the application;	
	(b) automatic referral to the planning committee of applications categorised as major or minor where the officer's recommendation for approval/consent is in direct conflict with the clear and unambiguous views of the parish/town council (in whose area the application is located) where that is received in writing not later than 12 noon on the last day of the consultation period, unless such views are considered not material to planning or unreasonable in the circumstance by the head of planning after consultation with the planning committee chairman and the local ward councillor;	
	(c) no application being determined before the expiry of the consultation period(s) ;	
	(d) where the following applies the planning matter shall be referred to the planning committee for determination:	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	(i) the applicant is a district councillor, an employee of the council, or the spouse of a district councillor or employee; or (ii) the application relates to land or buildings in the council's ownership (major applications only).	
1.2 (VALE ONLY)	To grant and refuse applications for planning permission, reserved matters approval, listed building consent, conservation area consent and express advertisement consent (including retrospective applications) for the following subject to the provisos listed below:	
	(a) Extensions to dwellinghouses.	
	(b) Development within the curtilage of a dwelling house proposed for purposes incidental to the enjoyment of the dwelling house.	
	(c) Changes of use of land and buildings, provided that in the case of the change of use of a building to dwellings, not more than a single additional dwelling is proposed.	
	(d) Erection of a single dwelling house.	
	(e) Erection of buildings (excluding dwellings), extensions and plant up to 1,000 sq. metres gross floor space or 15 metres in height (excluding telecommunications antennas), and alterations to buildings creating no additional floor space.	
	(f) Erection of temporary buildings.	
	(g) Construction of vehicular and pedestrian accesses and access-ways.	
	(h) To carry out development/works without compliance with conditions imposed on a previous permission / approval / consent.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	(i) Works to listed buildings and works within conservation areas .	
	(j) Advertisements .	
	All of the above are subject to the following provisos:	
	(i) In cases where any written or e-mailed objection is received from a member of the public or consultee (other than the town or parish council or meeting), the head of planning may only grant permission, approval or consent.	Chair / vice-chair of the planning committee
	(ii) In cases where any written or e-mailed objection on material planning grounds is received from the town or parish council or meeting and the recommendation is to grant permission / approval / consent.	The application shall be referred to the planning control committee for determination
	(iii) In cases where the town or parish council or meeting fully supports the application , substantiated by material planning considerations and the recommendation is to refuse permission / approval / consent.	The application shall be referred to the planning committee for determination
	(iv) The ward member requests in writing or by e-mail that the application be referred either to the head of service in consultation with the chair of the planning committee or to the planning committee for determination. Such notice to be given in writing within 28 days of the date of registration of the application.	Chair / vice-chair of the planning committee or committee as requested
	(v) Any application submitted by the council , a councillor an employee of the council, or the spouse of a Member or employee, or any application which relates to land or buildings in the council's ownership .	The application shall be referred to the planning committee for determination
1.3 (VALE ONLY)	To grant and refuse applications for planning permission and reserved matters approval (including retrospective applications) for the following subject to the provisos listed below:	Chair / vice-chair of the planning committee
	(a) Residential development for the erection of more than a single dwelling .	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	(b)	Erection of buildings (excluding dwellings), extensions and plant exceeding 1,000 sq. metres gross floorspace or 15 metres in height (excluding telecommunications antennas).
	(c)	Changes of use of buildings involving the creation of more than a single additional dwelling.
	If any of the following provisos apply the application shall be referred to the planning committee for determination:	
	(i)	Cases where four or more written or e-mailed objections made on material planning grounds are received from members of the public or consultees (other than the town or parish council or meeting) and the recommendation is to grant permission/approval/consent.
	(ii)	Cases where any written or e-mailed objection on material planning grounds is received from the town or parish council or meeting and the recommendation is to grant permission/approval/consent.
	(iii)	Cases where the town or parish council or meeting fully supports the application, substantiated by material planning considerations and the recommendation is to refuse permission/approval/consent.
	(iv)	The ward member requests in writing or by e-mail that the application be referred to the planning committee for determination. Such notice to be given in writing within 28 days of the date of registration of the application.
	(v)	Any application submitted by the council, a council member, an employee of the council, or the spouse of a member or employee, or any application which relates to land or buildings in the council's

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	ownership.	
	(vi) Any application which the chair (or vice-chair in his/her absence) considers ought to be determined by the planning committee.	
1.4 (VALE ONLY)	Notwithstanding the above the following matters shall not be delegated to the head of planning but shall be referred to the planning committee for determination:	
	(i) Any planning or similar application when the recommendation is to grant permission/ approval/consent and the town or parish council or meeting objects.	
	(ii) Any planning or similar application when the recommendation is to refuse permission / approval / consent and the town or parish council or meeting fully supports, substantiated by material planning considerations.	
	(iii) Any planning or similar application which the ward member requests in writing or by e-mail that the planning committee should determine. Such notice to be given in writing within 28 days of the date of registration of the application.	
	(iv) Any planning or similar application due to be determined by the head of planning following consultation with the committee chair / vice-chair and which the chair/vice-chair refers to committee.	
	(v) Any application for planning permission or reserved matters approval for more than a single dwelling or the erection of buildings (other than dwellings), extensions and plant exceeding 1,000 sq. metres gross floorspace or 15 metres in height (excluding telecommunications antennas) when the recommendation is to grant permission/approval/consent and four or more objections have been received on	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	material planning grounds in writing or by e-mail from members of the public or consultees (other than the town or parish council or meeting).	
	(vi) Any planning or similar application submitted by the council , a councillor , an employee of the council, or the spouse of a member or employee, or any application relating to land or buildings in the council's ownership .	
	(vii) Requests for discharging conditions attached to any permission/approval/consent relating to the materials to be used in developments of 10 or more dwellings or 2,000 sq. metres gross floor space (non-residential), or the discharging of any other condition advised by Committee.	
1.5	To invoke in the following circumstances a 'cooling off period' following a decision taken by the planning committee:	
	(a) where the committee refuses an application on grounds that the head of planning considers puts the council at significant risk of having a cost award made against it in the event of an appeal being lodged.	
	(b) where the committee approves an application that the head of planning considers is clearly contrary to the development plan and could set a planning precedent for the future.	
	(c) When the head of planning, or an officer authorised by him/her, considers that he/she may wish to use the "cooling off" powers, he/she will inform the planning committee accordingly before the meeting proceeds to the next item. He/she will then consult with the cabinet member for planning or in his/her absence the leader of the council and confirm his/her decision by noon on the second working day after the date on which the decision was taken. If he/she confirms a "cooling off period", he/she will not issue the	Relevant cabinet member for planning or in his/her absence the leader

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	decision notice but will bring a further report to the committee at the first opportunity setting out the relevant issues and inviting it to reconsider the matter. The decision taken by the committee having considered this second report will be final and the head of planning will issue the decision notice.	
1.6	To refuse a planning application in circumstances where a section 106 agreement is not signed within the application target decision date.	
1.7	To grant planning permission in circumstances where a section 106 agreement is signed outside the application target decision date.	
1.8	To decide to decline to accept a repeat planning application following a previous refusal.	
1.8	To determine all applications under the Town and Country Planning (General Permitted Development) Order 1995.	
1.9	To determine which applications should be the subject of consultation and to undertake that consultation.	
1.10	To determine and undertake any publicity required in respect of planning applications.	
1.11	To issue directives requiring the submission of information relating to planning applications.	
1.12	To determine which applications should be the subject of a formal site visit . Note - This does not preclude the planning committee from agreeing to hold a site visit in respect of any application submitted to it for determination.	Chair of the planning committee
1.13	To authorise the entering into, acceptance of, amendment to, or revocation of any planning or any other agreement, consent or obligation	Chair of the planning committee for all applications VALE

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	regulating or controlling the use or development of land.	ONLY . Chair of planning committee for applications referred to committee (SODC ONLY)
1.14	To receive and consider all environmental statements submitted with an application for planning permission, and to request further information when necessary.	
1.15	To determine requests made by ward members to attend, observe and take part in pre-application discussions where a formal officers' development team has been set up.	
1.16	To determine which applications need to be referred to the Secretary of State .	
2.0	APPEALS	
2.1	To deal with all matters relating to planning appeals , subject to the following: -	
	(a) any proposal to challenge appeal decisions ; and	Chief executive, leader of the council and chair of the planning committee
	(b) any amendment to the grounds on which the council will defend an appeal against a decision made by the planning committee.	Chair of the planning committee
3.0	CONSULTATION / RESPONSES	
3.1	To determine the council's response to all consultations on planning matters by statutory undertakers and utility companies, government departments and other authorities and bodies (e.g. ecclesiastical exemptions), including the council's view on applications that are the subject of appeals against non-determination.	
3.2	To comment on any planning applications submitted to adjacent local authorities or	Unless the ward member requests

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	Oxfordshire County Council in cases when this council is a consultee.	that the matter be referred to the planning committee (VALE ONLY)
3.3	To submit and pursue objections with the traffic commissioners against applications for goods vehicles operators' licences .	Head of legal and democratic services
3.4	To express the opinion of the council as local planning authority on whether a proposal is affected by the Town and Country Planning (Assessment of Environmental Effects) Regulations, to include providing a screening opinion required to determine whether any planning application requires an environmental impact assessment (EIA) or scoping opinion on the impacts and issues that an EIA should address following statutory consultations.	
4.0	ENFORCEMENT / EXERCISE OF POWERS	
4.1	To exercise the council's powers, including the service of notices, in relation to planning enforcement (including special enforcement notice in cases of emergency), planning contravention, listed building enforcement, conservation area, building preservation, discontinuance, breach of condition and Section 215 (waste) and to take all necessary steps including default action and the execution of works to secure compliance to include determining that no further action should be taken where there is an unresolved breach of planning control.	Chair of planning committee (VALE ONLY) Local ward councillor(s) to be kept informed.
4.2	To authorise the service of notice on the owner of any listed building of the council's intention to execute urgent works for the preservation of such building, and to authorise the execution of those works.	
4.3	To exercise the council's powers relating to works for the preservation of unoccupied listed buildings , repairs notices as a preliminary to the compulsory acquisition of listed buildings and the	Chair of the planning committee

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	compulsory acquisition of listed buildings.	
4.4	To issue stop notices and temporary stop notices.	Chair of the planning committee
4.5	To authorise and serve any requisition for information.	
5.0	FOOTPATHS AND BRIDLEWAYS	
5.1	To authorise and certify the necessary works for the creation of any footpath or bridleway (S 26 & 27 HA 1980).	
6.0	TREES	
6.1	To make, confirm, vary, modify and / or revoke a tree preservation order (including those in the conservation area) subject to:	
	- where there are objections	Planning committee
6.2	To exercise the council's powers relating to dangerous trees.	
6.3	To grant or refuse consent under a tree preservation order to cut down, top, lop, destroy or uproot any trees, subject to:	
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
6.4	To determine notices in relation to trees in conservation areas.	
6.5	To authorise the planting and the making of grants for the planting of trees on land not owned or controlled by the council.	
7.0	HEDGEROWS	
7.1	To exercise the council's powers relating to hedgerows to include the issuing of any Notices.	Head of legal and democratic services

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
8.0	LICENSING	
8.1	To apply to the licensing authority for a review of a premises licence or club premises certificate.	
9.0	BUILDING CONTROL	
9.1	To exercise the council's powers under the Building Act 1984 .	
9.2	To receive, make representations and deal with any application to relax the requirements of the Building Regulations .	Cabinet member
9.3	To determine applications for the passing or rejection of deposited plans under the building regulations and issue and serve the appropriate notices of approval or rejection (S.16-29 BA 1984)	
9.4	To determine applications for the departure from approved plans (S.31 BA 1984)	
9.5	To authorise and serve any notices of lapsing of approved plans. (S.32 BA 1984)	
9.6	To authorise and regulate the carrying out of tests to ascertain conformity with the building regulations (S.33 BA 1980)	
9.7	To exercise the council's powers in relation to the contravention and enforcement of the building regulations.	
9.8	To authorise and serve any notices requiring the provision of satisfactory means of escape in case of fire in buildings or proposed buildings.	
10.0	DEFECTIVE AND DANGEROUS BUILDINGS	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	AND DEMOLITIONS	
10.1	To authorise and make application to the magistrates court for an order to demolish or to obviate the danger in respect of dangerous buildings (S.77 BA 1984).	Head of legal and democratic services
10.2	In cases of urgency to take such emergency measures including the service of any notice to make safe any dangerous building and authorise the recovery of any expenses in so doing. (S.78 BA 1984).	Head of legal and democratic services
10.3	To authorise and serve any notice to provide for the satisfactory drainage of any courtyard or passage (BA 1984).	
10.4	To authorise the execution of default works and the recovery of expenses of so doing, including the recovery of expenses by the sale of materials. (S.99-100 BA 1984).	
10.5	To authorise and serve any notice and take all necessary action including default action to deal with dangerous excavations . (S.25 and 26 LG(MP)A 1976).	
10.6	To act as the appointing officer as required by S.10(8) of the Party Wall Act 1996.	

Monitoring officer

MONITORING OFFICER		
Ref	Function	Consultation (where applicable)
1.0	CODE OF CONDUCT	
1.1	To receive complaints that a councillor may have failed to comply with the code of conduct and to determine the action to take in dealing with complaints subject to referring a complaint to a panel of the audit and corporate governance committee when considered appropriate to do so..	Independent person

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Functions which are the responsibility of the cabinet

DELEGATION TO INDIVIDUAL CABINET MEMBERS

General delegation to cabinet members

Ref	Function	Consultation (where applicable)
1.1	A specific decision delegated either to officers, officers in consultation with a cabinet member or chairman of a committee or an individual cabinet member can be withdrawn by the leader of council if he/she is not content with the way the power is being exercised.	The reason for such a move must be given in writing to the chief executive.
1.2	A decision delegated to an individual cabinet member can be taken by an alternative cabinet member in the absence of the relevant cabinet member.	
1.3	A decision delegated to an individual cabinet member can be taken by an alternative cabinet member where the relevant cabinet member has a <u>disclosable pecuniary interest</u> .	
1.4	Notwithstanding the delegation to individual portfolio holders as specified, the portfolio holder shall not exercise that delegated authority but shall instead refer the matter to the cabinet for a decision if any of the following circumstances apply to the matter under consideration: <ul style="list-style-type: none"> • The individual portfolio holder gives written reasons as to why he/she wants a decision to be taken collectively at a cabinet meeting. • The chief executive, monitoring officer or section 151 officer are not content with the proposed decision. 	

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SOUTH OXFORDSHIRE DISTRICT COUNCIL ONLY RELEVANT CABINET MEMBER

Ref	Function	Consultation (where applicable)
1.	The awarding of grants within approved resources to public or voluntary bodies within the remit of the particular portfolio between £5,000 and £25,000 for both revenue and capital grants.	Local ward councillor
2.	To declare as surplus and to sell assets over a book value of £10,000 up to £50,000 within their portfolio.	
3.	To approve pre-submission stages of work for development plan documents and to approve consultation drafts of local development documents which are not development plan documents.	
4.	To approve of draft strategies / policies / schemes / programmes for consultation within their portfolio.	
5.	To agree the scoping exercise for best value reviews or similar of services within their portfolio.	
6.	To take decisions at external meetings on issues within their portfolio which are in accordance with Council policy and within budget.	
7.	To decide whether the council should proceed with an in-house bid for a contract following an initial appraisal.	
8.	To establish and set the terms of reference for task groups within their portfolio.	
9.	To agree the specification and the procurement route for contracts within their portfolio.	
10.	To agree exceptions to the tender evaluation policy	Relevant head of service
11.	To award grants between £25,000 and the maximum level for any individual application under the community investment fund (CIF) rules that apply at the time of the application and after consideration by the community investment fund panel (if for any reason, the cabinet member does not agree with the CIF panel then the decision will be referred to full Cabinet for consideration)	

Ref	Function	Consultation (where applicable)
12.	To accept tenders between £50,001 and the EU Threshold.	
13.	To transfer schemes from the provisional to the approved capital programme .	
14.	To assess the performance of contractors within their portfolio after consideration by a scrutiny committee.	

Vale of White Horse District Council only relevant cabinet member

SCHEME OF DELEGATION OF THE LEADER OF THE COUNCIL TO CABINET MEMBERS

Introduction

1. The Local Government Act 2000 provides that the council can make arrangements for the discharge of executive functions in a number of ways including delegation to individual members of the cabinet and to officers. To the extent that the council does not do this then the leader of the council has the power to make executive arrangements to discharge such functions. This is reflected in the council's constitution.
2. The council has not exercised its powers to make arrangements for the discharge of executive functions by individuals save for those mentioned in the scheme of delegation set out in part 9 of the constitution.
3. This scheme of delegation to Cabinet members is made pursuant to the Local Government Act 2000 and was approved by the leader of the council on the 18th day of May 2011 and came into force immediately. This scheme replaces all previous schemes. The scheme is to be included as part 10 of the constitution.
4. The scheme may be amended by the leader of the council at any time during the year in accordance with the executive procedure rules of the constitution. The scheme is subject to the general terms and conditions described below.

Terms and conditions

5. Any decision taken by a cabinet member under this scheme of delegation shall only be taken having regard to any advice from the strategic director responsible for the relevant function associated with the decision.
6. Any decision which could attract to the council adverse legal consequences shall be taken after consultation with the monitoring officer.
7. Any decision which could attract adverse financial implications shall be taken after consultation with the relevant strategic director.
8. Any member may delegate in writing to the strategic director responsible for the relevant function any of the delegated powers set out in this scheme.
9. Any cabinet member exercising any delegated powers under this scheme also has the power to do anything which is calculated to facilitate or is conducive or incidental to the exercise of such delegated powers.

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10. Any cabinet member exercising any delegated powers under this scheme may only do so in the presence of an officer who has the same delegated powers for taking the decision as that cabinet member unless explicitly stated otherwise.
 11. Once a cabinet member has exercised any delegated power under this scheme, he or she shall make a record of the decision which shall include the views of any officer consulted on the issue. The record of the decision shall be in the form set out in appendix A which shall be forwarded by the cabinet member or officer immediately to democratic services.

Responsibility for executive functions

The following cabinet members are responsible and are delegated authority to take decisions in respect of the functions and projects set out below until they are amended or withdrawn by the leader in writing.

Councillor Matthew Barber	- Leader, Corporate Strategy, Finance
Councillor Roger Cox	- Deputy Leader, Planning, Housing
Councillor Yvonne Constance	- Legal and Democratic, HR, IT and Customer Services
Councillor Reg Waite	- Commercial Services
Councillor Elaine Ware	- Economy, Leisure and Property.

12. The chief executive is delegated authority in respect of all executive functions and to request any member of the cabinet to act on behalf of the leader in the leader's absence.

Signed

Councillor Matthew Barber
18 May 2011

Proper officers and authorised officer appointments

1. An officer with line management responsibility for an officer listed in the list of proper officer and authorised officer appointment may exercise the power in the absence of the proper officer/authorised officer. The relevant post holders listed below have been appointed or confirmed as proper officers/authorised officers for the purposes of the adjacent legislative provisions.
2. Legislation in these tables includes any amendments, re-enactments and subordinate legislation. Legislation is listed in date order.

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PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Landlord and Tenant Act 1927	S.23	To serve and receive notice on behalf of the council	Head of health and housing
Public Health Act 1936 (as amended)	S.45	Defective sanitary conveniences	Head of health and housing
	S.50	Overflowing cesspools	Head of health and housing
	S.79	To serve notice to require removal of noxious matter	Head of health and housing
	S.83	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of health and housing
	S.84 and S.85(2)	To serve notice requiring remedial action where there are filthy and verminous premises, persons or articles	Head of health and housing
	S.290 – S.191 and S.300	Works in default	
National	S.47	Taking people in need of	Medical

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Assistance Act 1948 (as amended)		care and attention to a suitable place	officer/community physician
Prevention of Damage by Pests Act 1949	S.2 – S.7	Control of rats and mice	Head of health and housing
National Assistance (Amendment) Act 1951	S.1(1)	Certification of the need for a person in need of care and protection to be removed to suitable premises without delay	Medical officer/community physician
	S.1(3)	The person who may make application to court of summary jurisdiction or to a single justice to obtain an order authorising the removal of a person in need of care and protection	
Landlord and Tenant Act 1954	S.66	To serve and receive notices on behalf of the council	Head of health and housing
Milk and Dairies (General) Regulations 1959 (as amended)	Reg.20	Milk treatment orders	Medical officer/community physician
Public Health Act 1961	S.17	Blocked drains	Head of corporate strategy
	S.34	Accumulation of rubbish	Head of corporate strategy
	S.36	Service of any Notices for the taking of any other action for the cleansing of filthy or verminous premises.	Head of health and housing
	S.37	Controlling verminous things to include seizing articles	Head of health and housing
Local Government	S.13 (3)	Appointment as a parish	Head of legal and

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Act 1972		trustee	democratic services
Local Government Act 1972	S.83 (1) to (4)	Witness and receipt of declaration of acceptance of office	Head of legal and democratic services
	S.84 (1)	Receipt of notice of resignation of councillor	Head of legal and democratic services
	S.88 (2) and schedule 12	Convening a meeting of Council to fill casual vacancy in the office of Chair	Head of legal and democratic services
	S.89 (1) (b)	Filling of casual vacancy	Returning officer
	Local Elections (Parishes and Communities) rules 1986	Request for an election to fill a casual vacancy in respect of parish councils	Returning officer
	S.96 (1) and (2)	Receipt of notices and recordings of disclosures of interests	Head of legal and democratic services
	S.99	Convening of meetings	Head of legal and democratic services
	S.100 and schedule 12A	Access to information	Head of legal and democratic services
	S.100 (except 100D)	Admission of public (including press) to meetings	Head of legal and democratic services
	S.100D	Listing background papers for reports and making copies available for the public to look at	Head of legal and democratic services

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government (Access to Information) Act 1985	S.100D (1)A	Compilation of lists of background papers	Each head of service for their service area reports
	Section 100D (5)A	Identification of background papers	Each head of service for their service area reports
Local Government Act 1972	S.115 (2)	Receiving money due from officers	Chief finance (section 151) officer
	S.146(1) (a) and (b)	Declarations and certificates with regard to transfer of securities	Chief finance (section 151) officer
	S.151	Financial administration	Chief finance (section 151) officer
	S.173 - S178	Keeping of records of Members' Allowances	Chief finance (section 151) officer
	S.191	To receive applications to undertake OS work under the Ordnance Survey Act, 1841	Head of planning
	S.204	Receipt of Licensing applications and make the appropriate representations in respect of the same	Head of legal and democratic services
	S.210	To exercise powers in respect of charities	Head of legal and democratic services
	S.214(3) and Article 9 of the Local Authorities' Cemeteries Order 1974	To grant exclusive rights of burial and sign the necessary certificate.	Head of corporate strategy

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.223	Authorisation (appearance by persons other than solicitors in legal proceedings)	Head of legal and democratic services
	S.225	Deposit of documents	Head of legal and democratic services
Local Government Act 1972	S.228	Inspection of documents	Head of legal and democratic services
	S.228(3)	Accounts for inspection by any member of the council	Chief finance (section 151) officer
	S.229(5)	Certification of photographic copies of documents	Head of legal and democratic services
	S.234	Authentication of documents	Heads of legal and democratic services / senior lawyer
	S.236(9) and (10)	Sending of copies of byelaws to parish councils, parish meetings and county council	Head of legal and democratic services
	S.238	Certification of byelaws	Head of legal and democratic services
	S.248	Keeping a list of Freemen	Head of legal and democratic services
	S.251 and schedule 29	Exercise all functions of any enactment passed before or during the same session of Parliament as the passing of the LGA 1972	Head of legal and democratic services
	S.270	Except in the case of financial powers or matters, to act as the proper officer in respect of any other statute where specific arrangements have not been made in the scheme	Head of legal and democratic services

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Various Sections	Any requirement in relation to parish authorities specified in the Act (or other legislation).	Head of legal and democratic services
Local Government Act 1972	Schedule 12 para 4 (2) (b)	Signing of summons to Council meeting	Head of legal and democratic services
	Schedule 12 para 4 (3)	Receipt of notice regarding address to which summons to meeting is to be sent	Head of legal and democratic services
	Schedule 14 Para 25	Certification of resolution passed under this paragraph	Head legal and democratic services
	Schedule 16 Para 28	Deposit of lists of buildings of special architectural or historic interest	Head of planning
	Schedule 16 S.191(2)	Applications under Section 1 of the Ordnance Survey Act 1841	Head of planning
		The purposes of issuing planning decision notices and for all building regulation purposes	Head of planning
	Schedule 16	Receipt of deposit lists of protected buildings	Head of planning
	Schedule 29	Adaptations, modifications and amendments of enactments.	Head of legal and democratic services
	Part VA	Access to information	Head of legal and democratic services
Health and Safety at Work Act 1974	S.19 – S.25 / 39	Appointment of and termination of appointment of Inspectors and various enforcement powers	Head of health and housing
Local Government Act 1974	S.30 (5)	To give notice that copies of a Local Commissioner's	Chief executive

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
		(Ombudsman) report are available	
Control of Pollution Act 1974	S.60 – S.61	Construction site noise	Head of health and housing
Local Land Charges Act 1975	S.9	To act as local registrar for the registration of local land charges and the issue of official search certificates	Head of legal and democratic services
Local Government (Miscellaneous Provisions) Act 1976	S.16	Requests to obtain particulars of persons interests in land	Heads of service
	S.41 (1)	To certify copy resolutions, orders, reports and minutes and copy instruments appointing officers to perform certain functions	Head of legal and democratic services
Local Authorities Cemeteries Order 1977 (as amended)	Article 10	To sign exclusive rights of burial	Head of corporate strategy
Refuse Disposal (Amenity) Act 1978 (as amended)	S.2A	Fixed penalty notice in respect of abandoned vehicles	Head of health and housing
Local Government (Miscellaneous Provisions) Act 1982	S.13 – S.17	Skin piercing	Head of health and housing
	S.27	Repair of drains, private sewers etc	Head of economy, leisure and property
	S.35	Blocked private sewers	Head of economy, leisure and property
Local Government (Miscellaneous Provisions) Act 1982		Control of sex establishments	Head of legal and democratic services
Representation of	S.28	Acting returning officer at	Returning officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
the People Act 1983		Parliamentary Elections	
	S.67(1)	Receipt of appointment of election agents	Returning officer
	S.67(6)	Publication of names and addresses of agents	Returning officer
	S67(7)(b)	Appropriate officer for local election purposes	Returning officer
	S.81(1)	Receipt of return of election expenses	Returning officer
	S.82(1)	Receipt of declaration of election expenses	Returning officer
	S.87A(2)	Delivery of copy of returns to Electoral Commission	Returning officer
	S89(3)	Copy and inspections of returns and declarations.	Returning officer
	S.131	Providing accommodation for holding election count	Returning officer
Building Act 1984	S.59 – S.61	Authorisation of repair, reconstruction or alteration of drains	Head of planning
	S.64 – S.65	Replacement of sanitary conveniences	Head of planning
	S.78	To act as “the surveyor” empowered to take and authorise emergency action in respect of damaged and dangerous buildings.	Head of planning
	S.84	Paved yards	Head of planning
	S.93	Authentication of documents	Head of planning
County Courts Act	S.60(2)	Rights of audience in the	Head of legal and

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
1984		County Court before district judge	democratic services
Public Health (Control of Disease) Act 1984	S.11	Cases of notifiable disease and food poisoning to be reported	Medical officer/ community physician
	S.11	To receive certificates from medial practitioners concerning patients suffering from notifiable diseases and to take all other action necessary relating to those certificates	Head of health and housing
	S.18	Obtaining information from any occupier of premises concerning any person suffering from a notifiable disease or food poisoning	Head of health and housing
	S.20	Stopping of work to prevent spread of disease	Medical officer/community physician
	S.21	Exclusion from school of child liable to convey notifiable disease	Medical officer/community physician
Public Health (Control of Disease) Act 1984	S.22	List of day pupils at school having case of notifiable disease	Medical officer/community physician
	S.23	Exclusion from places of entertainment	Medical officer/community physician
	S.24	Control of infected articles intended to be washed at laundry or wash houses	Head of health and housing
	S.25	Library books	Head of health and housing
	S.26	Infectious matter not to be placed in dustbins	Head of commercial services

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.29	To issue certificates in respect of houses or rooms to be let after being properly disinfected following a case of a notifiable disease	Medical officer/community physician
	S.31	Certification by officer of need for disinfection of premises	Head of health and housing
	S.32	Certification by officer of need to remove person from infected house	Head of health and housing
	S.34	Duty of owner etc of public conveyance	Head of commercial services
	S.35	To obtain a Justice's Order requiring a person to be medically examined	Medical officer/community physician
Public Health (Control of Disease) Act 1984	S.36	Medical examination of group of persons believed to comprise carrier of notifiable disease	Medical officer/community physician
	S.37	To obtain a Justice's Order requiring a person with notifiable disease to be removed to hospital	Medical officer/community physician
	S.38	To obtain a Justice's Order requiring detention in hospital of a person with a notifiable disease	Medical officer/community physician
	S.39 – S.40	Getting a warrant to examine residents of a common lodging house	Medical officer/community physician

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.42	Closure of common lodging house on account of notifiable disease and certifying a common lodging house to be free from infection	Medical officer/community physician
	S.43	Certifying that the body of someone who dies in hospital from a notifiable disease must not be moved except taken to a mortuary or immediately buried or cremated	Medical officer/community physician
	S.48	Removal of body to mortuary or for immediate burial and certifying that it would be a health risk to keep a body in a building	Medical officer/community physician
	S.49 – S.51	Regulations concerning canal boats	Head of health and housing
Public Health (Control of Disease) Act 1984	S.59	Authentication of documents relating to matters within his province	Medical officer/community physician
	S.61	Power of entry	Medical officer/community physician
Food Act 1984	S.8	Enforcement of provision relating to working conditions	Head of health and housing
	S.28	Service of notice to prevent spread of disease by ice-cream	Head of health and housing
	S.31	Service of notice requiring food not to be used for human consumption where it appears to be infected	Head of health and housing
Housing Act 1985	S.265	Demolition Order	Head of health and

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
			housing
	S.289	Clearance Area Declaration	Head of health and housing
	S.300	Determination to Purchase	Head of health and housing
	S.606	Submitting reports on particular houses or areas	Head of health and housing
Local Elections (Principal Area) Rules 1986	All	All functions	Returning officer / electoral registration officer
Local Elections (Parishes and Communities) Rules 1986	rules 46, 47 and 48	Keeping documents after and election and making them available for the public to look at	Returning officer / electoral registration officer
Public Health (Infectious Diseases) Regulations 1988	Reg.6	Special reporting of infectious diseases	Medical officer/community physician
	Reg. 8	Statistical returns	Medical officer/community physician
	Reg.9	Prevention of spread of disease	Medical officer/community physician
	Reg.10	Immunisations and vaccination	Medical officer/community physician
	Reg.11	Measures against rats	Medical officer/community physician
	schedule 3	Typhus and relapsing fever	Medical officer/community physician
	schedule 4	Food poisoning and food borne infections	Medical officer/community physician

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government and Finance Act 1988	S.112 – S.115, S.115A	Responsible officer for the purposes of the financial administration of the council's affairs	Chief finance (section 151) officer
	S.116	Responsibility for notifying the external auditor of arrangements for a meeting to consider a report from the chief finance officer under this Act	Chief finance (section 151) officer
Local Government and Housing Act 1989	S.2(4)	Maintenance and review of the council's List of Politically Restricted Posts	Head of HR, IT and customer services
	S.4	Functions as head of paid service.	Head of paid service
	S.5	Functions of monitoring officer within the meaning of this section of the Act	Monitoring officer
	S.15 - 17	Allocating seats on committees	Head of legal and democratic services
	S.18	Arrangements in respect of the scheme of members' allowances	Chief finance (section 151) officer / head of legal and democratic services
	S.19	Arrangements in respect of the register of members' interests	Head of legal and democratic services
	Part 7	Declaration of renewal areas	Head of health and housing
Environmental protection Act 1990 (as amended)	S.6 – S.15	Prescribed processes	Head of health and housing
	S.78	Contaminated land	Head of health and housing
	S.79 –	Statutory nuisance	Head of health and

Comment [K1]: Head of paid service?

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.82		housing
	S.88	Fixed penalty notices for leaving litter	Head of health and housing
	S.149 – S.150	Officer responsible for dealing with stray dogs in the area and maintaining a register of dogs seized	Head of health and housing
Food Safety Act 1990	S.9	Seizure of food	Head of health and housing
	S.29 – S.30	Sampling food	Head of health and housing
	S.11, S37 – S.39	Improvement / prohibition notices	Head of health and housing
	S.49(3)	To sign documents on behalf of the authority	Head of health and housing
Town and Country Planning Act 1990	S.215	Waste land	Head of planning
Local Government (Committees and Political Groups) Regulations 1990	Regs.8, 9, 10, 13 and 14	Dealing with political balance on committees and nominations to political groups	Head of legal and democratic services
Water Industry Act 1991	S.80 – S.83	Private water supply	Head of health and housing
Clean Air Act 1993	S.1 – S.2	Prohibition of dark smoke	Head of health and housing
	S.51 and S.56	To exercise all functions conferred by these sections	Head of health and housing
Criminal Justice and Public Order Act 1994	S.77 – S.80	Removal of unauthorised encampments	Head of health and housing
Environment Act 1995	S.80	Local air quality management	Head of health and housing

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	S.84	Air quality management areas	Head of health and housing
Dogs (Fouling of Land) Act 1996	S.4	To issue fixed penalty notices	Head of health and housing
Noise Act 1996 (as amended)	S.8	Fixed penalty notices in respect of noise nuisance	Head of health and housing
Party Wall Act 1996	S.10(8)	To act as the 'appointing officer' as required by of the Party Wall Act 1996	Head planning
	S.10	To select a third surveyor, if required, during a neighbour dispute about building projects	Head planning
Local Government (Contracts) Act 1997	S.3	Signing certificates in respect of certified contracts	Head of legal and democratic services
	S.4	To maintain a register of certificates in respect of certified contracts to be open to public inspection	Head of legal and democratic services
Data Protection Act 1998	All	Ensuring compliance with the statutory provisions and principles of the Act	Head of HR, IT and customer
Crime and Disorder Act 1998	S.5	To work in partnership with the police and other responsible bodies to reduce crime	Head of legal and democratic services
	S.17	To consider crime and disorder implications of any decisions	Head of legal and democratic services
	S.115	Power to disclose information in the interest of community safety and other purposes of the Act	Head of legal and democratic services

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Local Government Act 2000	S.34	Determine whether a petition is valid	Electoral registration officer
	S.99 and S.100	Regarding members' allowances and pensions and having regard to all relevant regulations, including The Local Authorities (Members' Allowances) (England) Regulations 2003, and The Local Government Pension Scheme and The Discretionary Compensation (Local Authority Members in England) Regulations 2003	Head of legal and democratic services
	Various	Dealing with the holding of referendums	Returning officer / electoral registration officer
		All other responsibilities in the Act and any subordinate legislation	Head of legal and democratic services
Local Government Act 2000: Section 22: The Local Authorities (Executive Arrangements) (Access to Information) Regulations 2000 (as amended)	Regs.3 - 5	Written statements of cabinet decisions	Head of legal and democratic services
	Reg.6	Inspection of background papers	Head of legal and democratic services
	Reg.11(2)	Exclusion of reports	Head of legal and democratic services
	Reg.12	Annual notice relating to key decisions of the authority	Head of legal and democratic services

Comment [K2]: Move to new section under Localism Act?

Deleted: S.81

Deleted: Establishment and maintenance of the register of members' Interests including voting co-opted members¶

Deleted: Monitoring officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Reg.13	Publish the forward plan	Head of legal and democratic services
	Reg.16	Authority to seek agreement regarding decisions to be made which are not in the forward plan and where requisite notice required within Reg 15 cannot be given	Head of legal and democratic services
	Reg.17	Determining whether documents contain exempt information	Head of legal and democratic services
	Reg.(17)(c)	Provision to the press of documents supplied to the cabinet	Head of legal and democratic services
	Reg.18	Confidential / exempt information and exclusion of public from meetings	Head of legal and democratic services
Freedom of Information Act 2000	S.36	Application from exemption disclosure	Monitoring officer
	All others	All responsibilities associated with the act	Head of HR, IT and customer services
Regulation of Investigatory Powers Act 2000 (RIPA)	S.27 – S.29	Designation of officer empowered to grant authorisations for the carrying out of directed surveillance and authorise the use of covert human intelligence sources under the Act	Strategic directors / heads of service
Local Authorities (Referendums) (Petitions and Directions) Regulations 2000 (as amended)	Reg. 4 and 5	Publishing the verification number of local government electors for the purpose of petitions under S.34 of the Local Government Act 2000	Electoral registration officer

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
	Reg.8 and all others	Amalgamation of petitions	Electoral registration officer
Local Authorities (Model code of conduct) (England) Order 2001	schedule 1 para 17	Establish and maintain a register of gifts and hospitality received by members	Monitoring officer
Local Authorities (Standing Orders) (England) Regulations 2001	schedule 1 Part II	Giving notice of appointments and dismissal of officers to the cabinet in accordance with the Regulations	Head of HR, IT and customer services
Private Security Industry Authority Act 2001		Enforcement of actions by licensed door supervisors	Head of legal and democratic services
Criminal Justice and Police Act 2001	S.19(2)	Power of closure where the sale of alcohol if not in accordance with any authorisation	Head of legal and democratic services
The Representation of the People (England and Wales) (Amendment) Regulations 2002	Reg.107	Decisions on whether or not any particular proposed use of the electoral register meets the legislative requirements	Electoral registration officer
Money Laundering Regulations 2003	Reg 7	Nominated officer to receive disclosures about suspected money laundering	Chief finance (section 151) officer
Anti-Social Behaviour Act 2003 (as amended)	S.30	Approval for dispersal orders	Head of corporate strategy
	S.40	Immediate closure if there is a public nuisance caused by noise and closure is necessary to prevent it	Head of health and housing and head of legal and democratic services
	S.43	To issue penalty notices for graffiti and flyposting	Head of health and housing

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Accounts and Audit Regulations 2003	All Regs	All responsibilities	Chief finance (section 151) officer or person nominated by him/her under Section 114 of the Local Government Finance Act 1988 where the chief finance officer is unable to act
Housing Act 2004	S.239	Determining if a survey or examination is necessary	Head of health and housing
	Part 1	Enforcement of Housing Standards	Head of health and housing
	Part 2	Licensing of HMOs	Head of health and housing
	Part 3	Selective licensing of residential accommodation	Head of health and housing
Housing Act 2004	Part 4	Additional controls in relation to residential accommodation	Head of health and housing
	Part 6	Other provisions about housing	Head of health and housing
	Part 7	Supplementary and final provisions	Head of health and housing
The Clean Neighbourhoods and Environment Act 2005	Part 2	Nuisance parking	Head of health and housing
	Part 3	Litter	Head of health and housing
	Part 4	Fly posting	Head of planning
	S.59	Dog control fixed penalty notices	Head of health and housing

PROPER OFFICER AND AUTHORISED OFFICER APPOINTMENTS			
Legislation/ Act	Section	Purpose of appointment	Proper officer/ authorised officer
Food Hygiene Regulations 2006	Reg.6	Hygiene improvement notice	Head of health and housing
	Reg.7	Hygiene prohibition orders	Head of health and housing
	Reg.8	Hygiene emergency prohibition orders	Head of health and housing
	Reg.9	Remedial action/detention notice	Head of health and housing
	Reg.12	Food sampling	Head of health and housing
	Reg.14	Powers of entry	Head of health and housing
	Reg.17	Food premises registration	Head of health and housing
Smokefree (Premises and Enforcement) Regulations 2006		Enforcing smokefree legislation in premises and vehicles	Head of health and housing
Criminal Justice and Police Act 2006	S.14	Broader definition of S.17 of the Crime and Disorder Act 1998, to consider crime and disorder implications of any decisions, to include anti social behaviour	Head of legal and democratic services
	S.22	To share depersonalised data	Head of legal and democratic services
Localism Act 2012	S.29	Establishment and maintenance of the register of members' Interests including co-opted members	Monitoring officer

Comment [K3]: Move to new section under Localism Act?

Deleted: S.22

Deleted: Head of legal and democratic services¶

Deleted: To share depersonalised data¶

The Chief finance (section 151) officer shall act as the proper officer in respect of any other statute where specific arrangements for financial matters have not been made under this scheme.

The head of legal and democratic service shall act as the proper officer for any other legislative provisions where specific arrangements have not been made under this scheme.

PART 4: RULES OF PROCEDURE

Council procedure rules

Annual meeting of Council

TIMING AND BUSINESS

1. 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. In any other year, the annual meeting will take place on a Thursday in May to be agreed by the council.
2. The annual meeting will:
 - (a) elect a person to preside if the Chair or Vice-Chair of Council is not present;
 - (b) elect the Chair of Council;
 - (c) elect the Vice-Chair of Council;
 - (d) approve the minutes of the last meeting;
 - (e) receive any announcements from the Chair and/or head of paid service;
 - (f) in 2011 and following, appoint members to the scrutiny committee and such other committees as the council considers appropriate to deal with matters which are neither reserved to the council nor are executive functions (as set out in part 3, Table 1 of this Constitution);
 - (g) election of leader in every 4th year;
 - (h) agree any amendments to the Constitution; and
 - (i) consider any business set out in the notice convening the meeting.

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SELECTION OF COUNCILLORS ON COMMITTEES AND OUTSIDE BODIES

3. At the annual meeting, the council meeting will:
 - (a) decide which committees to establish for the municipal year;
 - (b) decide the size and terms of reference for those committees;
 - (c) decide the allocation of seats to political groups, in accordance with the political balance rules; and
 - (d) appoint to those committees and outside bodies.

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Ordinary meetings

4. Ordinary meetings of the council will take place in accordance with a programme decided by the council. The Chairman of Council may agree to the start time and date of meetings in exceptional circumstances. Ordinary meetings will:
 - (a) elect a person to preside if the Chair and Vice-Chair are not present;
 - (b) approve the minutes of the last meeting;
 - (c) receive any declarations of interest from members;

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- (d) receive any announcements from the Chair, leader and/or the head of paid service;
- (e) receive questions from, and provide answers to, the public in relation to matters which in the opinion of the Chair are relevant to the business of the meeting;
- (f) deal with any business from the last Council meeting;
- (g) consider recommendations from the cabinet and the council's committees and receive questions and answers on any of those matters;
- (h) consider motions; and
- (i) consider any other business specified in the summons to the meeting, including consideration of proposals from the cabinet in relation to the council's budget and policy framework and reports of the scrutiny committee for debate.

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Extraordinary meetings

CALLING EXTRAORDINARY MEETINGS

5. Those listed below may request the proper officer to call Council meetings in addition to ordinary meetings:

- (a) the council by resolution;
- (b) the Chair of the council;
- (c) the monitoring officer;
- (d) the Section 151 officer; and
- (e) any five members of the council if they have signed a requisition presented to the Chair 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.

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BUSINESS

6. Only the item of business by reason of which the special meeting has been called will be considered, save for any item of urgent business.

Appointment of substitute members of committees, sub-committees and panels

ALLOCATION

7. As well as allocating seats on committees, sub-committees and panels, the council or committee respectively will allocate seats in the same manner for substitute members. This will include the appointment of named substitutes, who may attend meetings in place of the members of the committee, sub-committee or panel for whom they have been nominated as a substitute.

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NUMBER AND ELIGIBILITY

8. For each committee, sub-committee or panel referred to in 7, the council or committee respectively will appoint the same number of substitutes in respect of each political group as that group holds ordinary seats on that committee, sub-committee or panel subject to each political group being entitled to up to a maximum of three named substitutes where it has fewer than three members on the committee, sub-committee or panel. A political group need not appoint to all available substitute places.

POWERS AND DUTIES

9. Substitute members will have all the powers and duties of any ordinary member of the committee, sub-committee or panel but will not be able to exercise any special powers or duties exercisable by the person they are substituting. These powers and duties will only be attained by the substitute members from the start until the close of the meeting at which they are substituting.

SUBSTITUTION

10. Substitute members may attend meetings in that capacity only:

- (a) to take the place of the ordinary member for whom they are the substitute;
- (b) where the ordinary member will be absent for the whole of the meeting; and
- (c) after notifying the head of legal and democratic services before the start of the meeting of the intended substitution.

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Time and place of meetings

11. All meetings of the council will be held at the council Offices, Crowmarsh Gifford, Wallingford commencing at 6.00pm, except where the council agrees otherwise. The Chairman of Council may agree the start time and date of meetings in exceptional circumstances.

Notice and summons to meetings

12. The head of legal and democratic services will give notice to the public of the time and place of any meeting in accordance with the access to information procedure rules. At least five clear working days before a meeting, the head of legal and democratic services will send a summons signed by him or her by post, or electronically, to every councillor 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.

Chair of meeting

13. The person presiding at the meeting may exercise any power or duty of the Chair. Where these rules apply to committee and sub-committee meetings,

references to the Chair also include the Chairs of committees and sub-committees.

Quorum

14. The quorum of a meeting will be one quarter of the whole number of members, subject in the case of a number that is not divisible by four, to the quorum being rounded up to the nearest whole number. During any meeting, if the Chair 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 Chair. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Duration of meeting

15. No meeting shall exceed three hours in duration unless the council, committee or sub-committee agrees, prior to the expiry of the three-hour period, that all the remaining business will be completed. If an extension of time is not agreed, any business remaining after the three-hour period will be completed either at a special meeting, to be held on a date to be agreed by the Chair, or at the next ordinary meeting. No item of business shall be commenced if it appears that it will extend the meeting beyond the three-hour period without a vote being taken to agree an extension of time. Consideration of any item of business that has been commenced will be completed prior to the meeting being adjourned.

Public participation

QUESTIONS

16. For a period of up to thirty minutes at the beginning of each Council meeting, members of the public may ask questions of the Chair of Council, members of the cabinet or Chairs of the planning, general licensing, licensing acts or scrutiny committees.

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ORDER OF QUESTIONS

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

NOTICE OF QUESTIONS

18. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the head of legal and democratic services no later than midday on the last working day before the day of the meeting. Each question must give the name and address of the questioner and must name the councillor to whom it is to be put.

NUMBER OF QUESTIONS

19. At any one meeting no person may submit more than one question and no more than two such questions may be asked on behalf of one organisation.

SCOPE OF QUESTIONS

20. The head of legal and democratic services, in consultation with the Chair, may reject a question if it:

- (a) is not about a matter for which the local authority has a responsibility, or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a question which has been put at a meeting of the council in the past six months; or
- (d) requires the disclosure of confidential or exempt information.

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RECORD OF QUESTIONS

21. The head of legal and democratic services will enter each question in a book open to public inspection and will immediately send a copy of the question to the councillor to whom it is to be put. Rejected questions will include reasons for rejection.

22. Copies of all questions will be circulated to all councillors and will be made available to the public attending the meeting.

ASKING THE QUESTION AT THE MEETING

23. The Chair will invite the questioner to put the question to the councillor named in the notice. If a questioner who has submitted a written question is unable to be present, he/she may ask the Chair to put the question on their behalf.

SUPPLEMENTARY QUESTION

24. A questioner who has put a question in person may also put one supplementary question without notice to the councillor who has replied to his or her original question. A supplementary question must arise directly out of the original question or the reply. The Chair may reject a supplementary question on any of the grounds in rule 20 above.

WRITTEN ANSWERS

25. Any question that cannot be dealt with during public question time, either because of lack of time or because of the non-attendance of the councillor to whom it was to be put, will be dealt with by a written answer.

REFERENCE OF QUESTION TO THE CABINET OR A COMMITTEE

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

Addresses

27. Any person may address the council on an item on the agenda for a period of up to five minutes.

NOTICE OF REQUEST TO ADDRESS THE COUNCIL

28. An address may only be made if notice has been given by delivering it in writing or by electronic mail to the head of legal and democratic services by midday on the last working day before the day of the meeting. A person who has registered to speak at a meeting may appoint a representative to speak on his/her behalf, provided that written notice is given to the head of legal and democratic services or his/her representative prior to it commencing.

EXCLUSIONS

29. Nothing in this section permits an officer or a councillor, who would otherwise be excluded from taking part due to any interest they may have in a matter under consideration, to address the council. Addresses may not be made on items containing exempt or confidential information, or on enforcement or prosecution or other legal matters, or matters relating to individual officers. A person or organisation will not normally be permitted to address a meeting on the same issue on more than one occasion in any period of six months. For participation in planning applications, see rule 31 below. For participation at scrutiny committee, see rule 32 below.

ADDRESSING THE MEETING

30. The Chair will determine when the address will be made. The Chair may require a spokesperson to be appointed where there is more than one request to address a meeting on the same issue. Councillors may ask questions of any points raised by public speakers, subject to the Chair of the meeting being satisfied that the questions are relevant.

PARTICIPATION IN PLANNING APPLICATIONS

31. Any applicant, agent, organisation or individual, who has made written representations on any application under the Town and Country Planning legislation by 4.00pm nine days before the date of a meeting at which the application will be considered, may address the meeting in accordance with the procedure set out in the appendix to these rules of procedure.

ADDRESSING A SCRUTINY COMMITTEE

32. Any person is entitled to address the committee for a period of up to five minutes with no requirement for persons to share five minutes. Councillors may ask questions of speakers.

Questions by councillors

ON RECOMMENDATIONS OF THE CABINET OR MINUTES OF COMMITTEES

33. A councillor may ask the leader, relevant cabinet member or the Chair of a committee any question without notice on a recommendation of the cabinet or the minutes of a committee when that item is under consideration by the council.

QUESTIONS ON NOTICE AT FULL COUNCIL

34. Subject to rule 36, a member of the council may ask:

- (a) the Chair;
- (b) a member of the cabinet; or
- (c) the Chair of any committee or sub-committee a question on any matter in relation to which the council has powers or duties or which affects the district.

QUESTIONS ON NOTICE AT COMMITTEES AND SUB-COMMITTEES

35. Subject to rule 36, a member of a committee or sub-committee may ask the Chair of it a question on any matter in relation to which the council has powers or duties or which affect the district and which falls within the terms of reference of that committee or sub-committee.

NOTICE OF QUESTIONS

36. A councillor may only ask a question under rule 34 or 35 if either:

- (a) they have given at least seven clear working days notice in writing of the question to the head of legal and democratic services; or
- (b) the question relates to urgent matters, they have the consent of the Chair and the content of the question is given to the head of legal and democratic services by noon on the day of the meeting; or
- (c) if the question relates to the minutes of a committee or Cabinet meeting which have been received less than seven working days before the meeting.

37. The chief executive may decline a question submitted by a councillor if he/she considers that, due to the level of detail or repetitive nature of the question responding to it will have an adverse effect on service delivery. The reason for such a decision will be reported to Council which may overrule the decision.

RESPONSE

38. Except in the case of questions raised as a matter of urgency when an answer will be given orally at the meeting, a written answer will be circulated to all councillors prior to the start of the meeting and read out at the meeting (in the case of a lengthy response an oral summary will be provided).

39. Where the reply to an urgent question cannot conveniently be given orally, a written answer will be circulated to the questioner within five working days, and a copy published in the councillors' Weekly Information Sheet.

SUPPLEMENTARY QUESTION

40. A councillor asking a question under rule 34 or 35 may ask one supplementary question without notice of the councillor to whom the first question was asked. The supplementary question must arise directly out of the original question or the reply, and may be answered either orally, or in writing within five working days. A copy of any written reply will be published in the councillors' weekly information sheet.

Motions on notice

NOTICE

41. Except for motions which can be moved without notice under rule 44, written notice of every motion, signed by the councillor or councillors giving it, must be delivered to the head of legal and democratic services not later than seven clear working days before the date of the meeting. These will be entered in a book open to public inspection.

MOTION SET OUT IN AGENDA

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

SCOPE

43. Motions must be about matters for which the council has a responsibility or which affect the district. The head of legal and democratic services will not accept any motion which, if approved, would be unlawful, defamatory, or which, if published, would bring the council into disrepute.

Motions without notice

44. The following motions may be moved without notice:
- (a) to appoint a Chair 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 councillor arising from an item on the summons for the meeting;
 - (f) to receive reports or adoption of 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;

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- (m) that the meeting continue beyond three hours in duration and the remaining business be completed, in accordance with rule 15 above.
 - (n) to suspend a particular council procedure rule;
 - (o) to exclude the public and press in accordance with the access to information procedure rules;
 - (p) to not hear further a councillor named under 81 or to exclude them from the meeting under 82; and
 - (q) to give the consent of the council where its consent is required by this Constitution.

Rules of debate

NO SPEECHES UNTIL MOTION SECONDED

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

RIGHT TO REQUIRE MOTION IN WRITING

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

SECONDER'S SPEECH

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

CONTENT AND LENGTH OF SPEECHES

48. Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Chair. At the budget meeting the cabinet member for finance and group leaders are entitled to ten minutes on the budget setting item.

WHEN A MEMBER MAY SPEAK AGAIN

49. A councillor 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 councillor;
- (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 councillor, 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;
- (f) by way of personal explanation; and
- (g) at the Chair's discretion.

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AMENDMENTS TO MOTIONS

50. An amendment to a motion must be relevant to the motion and will either be:

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- (a) to refer the matter to an appropriate body or individual for consideration or reconsideration;
 - (b) to leave out words;
 - (c) to leave out words and add others; or
 - (d) to add words.

as long as the effect of (b) to (d) is not to negate the motion.

- 51. 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.
- 52. If an amendment is not carried, other amendments to the original motion may be moved.
- 53. 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 can be moved.
- 54. After an amendment has been carried, the Chair will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

ALTERATION OF MOTION

- 55. A councillor, or councillors may alter a motion of which he/she/they has/have given notice with the consent of the meeting, signified without discussion.
- 56. Only alterations which could be made as an amendment may be made.

WITHDRAWAL OF MOTION

- 57. A councillor may withdraw a motion that he/she has moved with the consent of both the meeting and the seconder, signified without discussion. No councillor may speak on the motion after the mover has asked permission to withdraw it, unless permission is refused.

RIGHT OF REPLY

- 58. 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.
- 59. If an amendment is moved, the mover of the amendment, followed by the mover of the original motion, who may not otherwise speak on it, have the right of reply at the close of the debate on the amendment.

MOTIONS WHICH MAY BE MOVED DURING DEBATE

60. When a motion is under debate, no other motion may be moved except the following procedural motions:
- (a) to withdraw a motion;
 - (b) to amend a motion;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) to adjourn a debate;
 - (f) to adjourn a meeting;
 - (g) that the meeting continue beyond three hours in duration;
 - (h) to exclude the public and press in accordance with the access to information procedure rules;
 - (i) to not hear further a councillor named under rule 81 or to exclude them from the meeting under rule 82; and
 - (j) to refer the subject of debate back to the cabinet or a committee.

CLOSURE MOTIONS

61. A councillor, who has not previously spoken on the matter under consideration, may move, without comment, the following motions at the end of a speech of another councillor:
- (a) to proceed to the next business;
 - (b) that the question be now put;
 - (c) to adjourn a debate; or
 - (d) to adjourn a meeting.
62. If a motion to proceed to the next business is seconded and the Chair thinks the item has 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.
63. If a motion that the question be now put is seconded and the Chair 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.
64. If a motion to adjourn the debate or to adjourn the meeting is seconded and the Chair 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.

Point of order

65. A councillor may raise a point of order at any time. The Chair will hear them immediately. A point of order may only relate to an alleged breach of these council rules of procedure or the law. The councillor must indicate the rule or law

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

Personal explanation

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

Previous decisions and motions

MOTION TO RESCIND A PREVIOUS DECISION

67. A motion or amendment to rescind a decision made at a meeting of Council within the past six months may not be moved.

MOTION SIMILAR TO ONE PREVIOUSLY REJECTED

68. A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months may not be moved.

Voting

MAJORITY

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

CHAIR'S CASTING VOTE

70. If there are equal numbers of votes for and against, the Chair will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote. If the Chair does not exercise his/her casting vote, the motion being considered will be deemed to be lost.

SHOW OF HANDS

71. Unless a recorded vote is demanded under rule 72, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

RECORDED VOTE

72. If three councillors present at the meeting demand it, the names of those voting for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. If a recorded vote is demanded, the vote shall be taken alphabetically.

RIGHT TO REQUIRE INDIVIDUAL VOTE TO BE RECORDED

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

VOTING ON APPOINTMENTS

74. 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.

Minutes

SIGNING THE MINUTES

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

NO REQUIREMENT TO SIGN MINUTES OF PREVIOUS MEETING AT EXTRAORDINARY MEETING

76. 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.

Record of attendance

77. All councillors present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

Exclusion of public

78. 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 rules 84 and 85 (disturbance by public.)

Councillors' conduct

STANDING TO SPEAK

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

CHAIR STANDING

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

COUNCILLOR NOT TO BE HEARD FURTHER

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

COUNCILLOR TO LEAVE THE MEETING

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

GENERAL DISTURBANCE

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

Disturbance by public

REMOVAL OF MEMBER OF THE PUBLIC

84. If a member of the public interrupts proceedings, the Chair will warn the person concerned. If he/she continues to interrupt, the Chair will order his/her removal from the meeting room.

CLEARANCE OF PART OF MEETING ROOM

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

Attendance by councillors at meetings

86. Any councillor may attend any meeting of the cabinet or a committee or sub-committee of which they are not a member. With the consent of the Chair, he/she may speak, but not vote, on any item in the agenda for the meeting. When addressing Cabinet on an item political groups are required to nominate a group spokesperson and notify the head of legal and democratic services by noon on the day of the meeting. A councillor may not participate in decisions on applications in their wards on the licensing acts committee, general licensing committee or the planning committee. The right of ward councillors to speak does not apply to licensing where they can only make representations on behalf of their constituents if their constituents have specifically asked them to do so.

87. For the avoidance of doubt, any councillor who is not a member of the planning committee has the right to speak on a planning application in his/her ward. If the ward is represented by more than one councillor each may speak for up to five minutes.

88. The cabinet member with responsibility for planning has the right to speak, but not vote, on matters relating to planning policy, at meetings of the planning committee.

Suspension and amendment of Council procedure rules

SUSPENSION

89. All, or any, of these Council rules of procedure except rule 73 and 76 may be suspended by motion on notice, or without notice if at least half of all councillors are present. Suspension can only be for the duration of the meeting.

AMENDMENT

90. 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.

Application to committees and sub-committees

91. All of the council procedure rules apply to meetings of full Council. All rules, except 1-6, 79, 80 and, at the Chair's discretion, 48 and 49, apply to meetings of committees and sub-committees. None of the rules, except 16 ~~to 32~~ and 86, apply to meetings of the cabinet.

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Public participation in planning applications – procedure

1. An application to speak must be made in writing or by electronic mail to the head of legal and democratic services by midday on the last working day before the day of the meeting. Persons who have registered to speak may appoint someone to speak on their behalf provided that written authority from the person who has registered to speak is given to the head of legal and democratic services or his/her representative before the meeting commences.
2. Following the introduction of each application, the following procedure will apply:
 - (a) Before the application is considered in detail, the meeting may agree that the application be deferred for a site visit, or to obtain further information. In that case, there will be no public participation on the application until it is reconsidered at a future meeting. For the avoidance of doubt, persons who have registered to speak on applications that are deferred to future meetings of planning committee are not required to register again. If an application is subsequently referred to council, further registration to speak is required. If a proposal for deferral is lost prior to public participation, it may be proposed again afterwards.
 - (b) The following groups of speaker may then address the meeting for up to five minutes each:
 - (i) Parish/town council/parish meeting representatives who have been consulted on the application under consideration
 - (ii) Objectors
 - (iii) Applicants and/or supportersFor the avoidance of doubt groups of speakers will be entitled to five minutes per application site regardless of the number of individual applications.
 - (c) Where more than one person has registered to speak in any of the above groups of speaker, the five minute period will be shared. In those circumstances, speakers are encouraged to appoint a spokesperson; if that is not possible, speakers will be heard in the order in which they have registered until the five minute period has elapsed.
 - (d) On conclusion of each address, members of the planning committee may question the speaker solely to clarify any matter that they have not understood in the address. The ruling of the chair of the meeting as to what is an acceptable question shall be final.
 - (e) A person who has registered to speak may circulate written or photographic material in support of their representations, provided they are given to the head of legal and democratic services or his/her representative not later than twenty minutes before the meeting commences.
3. The Chair of the meeting may suspend the operation of this rule at any time if he/she considers it necessary for the purpose of maintaining order.

Access to information procedure rules

Scope

1. These rules apply to all meetings of the council, the scrutiny committee, committees and sub-committees and meetings of the cabinet (together called meetings).

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Additional rights to information

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

Rights to attend meetings

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

Notices of meeting

4. The council will give at least five clear working days notice of any meeting by posting details of the meeting at the council Offices, Crowmarsh Gifford, Wallingford, the designated office.

Access to agenda and reports before the meeting

5. The council will make copies of the agenda and reports open to the public available for inspection at the designated office at least five clear working days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

Supply of copies

6. The council will supply copies of:
 - (a) any agenda and reports which are open to public inspection;
 - (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
 - (c) if the proper officer thinks fit, copies of any other documents supplied to councillors in connection with an item to any person on payment of a charge for postage and any other costs.

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Access to minutes and related documents after the meeting

7. The council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings, excluding any part of the minutes of proceedings when the meeting was not open to the public or 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.

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Background papers

LIST OF BACKGROUND PAPERS

8. The proper 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 does not include published works or those which disclose exempt or confidential information (as defined in rules 11 to 16.)

PUBLIC INSPECTION OF BACKGROUND PAPERS

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

Summary of public's rights

10. A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the council Offices, Crowmarsh Gifford, Wallingford.

Exclusion of access by the public to meetings

CONFIDENTIAL INFORMATION – REQUIREMENT TO EXCLUDE PUBLIC

11. 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.

MEANING OF CONFIDENTIAL INFORMATION

12. 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.

EXEMPT INFORMATION – DISCRETION TO EXCLUDE PUBLIC

13. 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.

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

MEANING OF EXEMPT INFORMATION

15. Exempt information means information falling within the following seven categories as specified in part 1 of schedule 12A of the Local Government Act 1972 and as amended by the Local Government (Access to Information) (Variation) Order 2006.

- (i) Information relating to any individual.
- (ii) Information which is likely to reveal the identity of an individual.
- (iii) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (iv) 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.
- (v) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (vi) Information which reveals that the authority proposes -
 - (vii) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (viii) to make an order or direction under any enactment.
- (ix) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

16. Information which falls within any of paragraphs (i) to (vii) above is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

17. If the proper officer thinks fit, he/she may exclude public access to reports that 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

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for publication” together with the category of information likely to be disclosed. The public may only be excluded if the meeting so decides.

APPLICATION OF RULES TO THE CABINET

18. Rules 19 to 32 apply to the cabinet and any committees of the cabinet. If the cabinet meets to take a key decision then it must also comply with rules 1 – 17 unless rule 24 (general exception) or rule 25 (special urgency) apply. A key decision is as defined in Article 13.4 of this Constitution. This requirement does not include meetings whose sole purpose is for officers to brief councillors.

PROCEDURE BEFORE TAKING KEY DECISIONS

19. Subject to rule 24 (general exception) and rule 25 (special urgency), a key decision may not be taken unless:

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 14 clear working days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the cabinet, notice of the meeting has been given in accordance with rule 4 (notices of meetings).

The forward plan

PERIOD OF FORWARD PLAN

20. Forward plans will be prepared by the leader to cover a period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding plan.

CONTENTS OF FORWARD PLAN

21. The forward plan will contain matters which the leader has reason to believe will be the subject of a key decision to be taken by the cabinet, a committee of the cabinet, officers, or under joint arrangements in the course of the discharge of a cabinet function during the period covered by the plan. Officers may also include other items that do not fit the above definition in the forward plan on a voluntary basis. It will describe the following particulars in so far as the information is available or might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;
- (e) the means by which any such consultation is proposed to be undertaken;

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- (f) the steps any person might take who wishes to make representations to the cabinet or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken; and
- (g) a list of the documents submitted to the decision taker for consideration in relation to the matter.

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22. The forward plan must be published at least 14 days before the start of the period covered. The proper officer will publish once a year a notice in at least one newspaper circulating in the area, stating:

- (a) that key decisions are to be taken on behalf of the council;
- (b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;
- (c) that the plan will contain details of the key decisions to be made for the four month period following its publication;
- (d) that each plan will be available for inspection at reasonable hours free of charge at the council's offices;
- (e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;
- (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;
- (g) that other documents may be submitted to decision takers;
- (h) the procedure for requesting details of documents (if any) as they become available; and
- (i) the dates on each month in the following year on which each forward plan will be published and available to the public at the council's offices.

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23. Exempt information need not be included in a forward plan and confidential information cannot be included.

GENERAL EXCEPTION

24. If a matter which is likely to be a key decision has not been included in the forward plan, then subject to rule 25 (special urgency) the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next forward plan and until the start of the first month to which the next forward plan relates;
- (b) the proper officer has informed each member of that committee in writing of the matter to which the decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the council; and
- (d) at least five clear working days have elapsed since the proper officer complied with (a) and (b).

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SPECIAL URGENCY

25. If by virtue of the date by which a decision must be taken rule 24 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chairman of the scrutiny committee that the taking of the decision cannot be reasonably deferred. If the Chairman of the scrutiny committee is unavailable, or unable to act, then the agreement of the Chair of the council, or in his/her absence the Vice-Chair will suffice.

Report to council

WHEN THE SCRUTINY COMMITTEE CAN REQUIRE A REPORT

26. If a scrutiny committee thinks that a key decision has been taken which was not:

- (a) included in the forward plan; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with a Chair of the scrutiny committee, or the Chair/Vice-Chair of the council under rule 25;

27. The committee may require the cabinet to submit a report to the next meeting of the council. The proper officer may require such a report on behalf of the committee when so requested by the Chair or any five members.

CABINET'S REPORT TO COUNCIL

28. The cabinet will prepare a report for submission to the next meeting of the council. However, if the next meeting of the council is within seven days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision, the individual or body making the decision, and if the leader is of the opinion that it was not a key decision the reasons for that opinion.

REPORTS ON SPECIAL URGENCY DECISIONS

29. The leader will submit reports to each ordinary meeting of the council on the cabinet decisions taken, if any, in the circumstances set out in rule 25 (special urgency) since the last ordinary meeting of the council. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.

RECORD OF DECISIONS

30. After any meeting of the cabinet or any of its committees, the proper officer will produce a record of every decision taken at that meeting as soon as practicable. The record will include a statement of the reasons for each decision and any alternative options considered and rejected at that meeting.

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CABINET MEETINGS

31. All cabinet meetings will be held in public. The public may be excluded during consideration of exempt or confidential matters, as defined in the access to information procedure rules.

SCRUTINY COMMITTEE ACCESS TO DOCUMENTS

Rights to copies

32. Members of the scrutiny committee will be entitled to copies of any document which is in the possession or control of the cabinet or its committees and which contains material relating to any business transacted at any formal meeting of the cabinet.

ADDITIONAL RIGHTS OF ACCESS FOR COUNCILLORS

33. All councillors will be entitled to inspect any report or background paper considered at a meeting of the cabinet.

Budget and policy framework procedure rules

The framework for cabinet decisions

1. 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 cabinet to implement it.

Process for developing the framework

2. The process by which the budget and policy framework will be developed is:

(a) The cabinet will publicise a timetable for making proposals to the council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework. This will be included in the cabinet's forward plan. It will give details of the arrangements for consultation after publication of those initial proposals. All members of the scrutiny committee will also be notified. The consultation period shall in each instance be not less than six weeks.

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(b) At the end of that period, the cabinet will then draw up firm proposals having regard to the responses to that consultation. If the scrutiny committee wishes to respond to the cabinet in that consultation process then it may do so. The cabinet will take any response from the scrutiny committee into account in drawing up firm proposals for submission to the council, and its report to Council will reflect the comments made by consultees and the cabinet's response.

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(c) Once the cabinet has approved the firm proposals, the proper officer will refer them at the earliest opportunity to the council for decision.

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(d) In reaching a decision, the council may adopt the cabinet's proposals, amend them, refer them back to the cabinet for further consideration, or, subject to paragraphs (e) and (f) substitute its own proposals in their place.

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(e) If it accepts the cabinet's recommendation without amendment, the council may make a decision that has immediate effect. If it objects to any of the proposals, it must inform the leader and instruct him/her to require the cabinet to reconsider the proposals in light of the objections. Such reconsideration must take place within the period specified by the council, which shall be not less than five working days.

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(f) Following reconsideration by the cabinet, the leader may submit revised proposals to the council, together with reasons for the amendments, or inform the council of any disagreement the cabinet has with the council's objections. The proper officer will then call a Council meeting to be held within a further ten working days. At that meeting, the council may approve the cabinet's

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proposals, or take a different decision, having taken into account any amendments the cabinet made to its original proposals, the reasons for the amendments, any disagreement the cabinet has with the council's objections and the reasons for that disagreement.

(g) The council's decision at that meeting shall be final and effective immediately.

(h) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately.

(i) In approving the budget and policy framework, the council will also specify the extent of virement within the budget and degree of in-year changes to the policy framework which may be undertaken by the cabinet, in accordance with paragraphs 9 to 11 of these rules (virement and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the council.

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Decisions outside the budget or policy framework

3. Subject to the provisions of paragraph 9 and 10 (virement) the cabinet and any officers discharging cabinet functions may only take decisions which are in line with the budget and policy framework. If any of these bodies or persons wishes to make a decision which is contrary to the policy framework, or contrary to or not wholly in accordance with the budget approved by full Council, then that decision may only be taken by the council, subject to paragraphs 5 to 8 below.
4. If the cabinet or any officers discharging cabinet functions want to make such a decision, they shall take advice from the monitoring officer and/or the chief finance officer as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred by that body or person to the council for decision, unless the decision is a matter of urgency, in which case the provisions in the following section (urgent decisions outside the budget and policy framework) shall apply.

Urgent decisions outside the budget or policy framework

5. The cabinet, or officers discharging cabinet functions, may take a decision which is contrary to the council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency or in the event of a disaster or emergency. An urgent decision may only be taken:

- (a) if it is not practical to convene a quorate meeting of the full Council; and
- (b) if the Chairman of the scrutiny committee agrees that the decision is a matter of urgency.

6. The reasons why it is not practical to convene a quorate meeting of full Council and the Chairman of the scrutiny committee's consent to the decision being taken

as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the scrutiny committee the consent of the Chair of the council, and in the absence of both, the Vice-Chair, will be sufficient.

7. In cases of disaster or emergency, strategic directors may take decisions outside of the policy framework and, with the approval of the chief finance officer, shall be authorised to approve expenditure outside of the budget in accordance with the financial procedure rules.
8. Following a decision taken as a matter of urgency, or in the case of a disaster or emergency, the decision taker will provide a full report to the next Council meeting explaining the decision, the reasons for it and why the decision was treated as such a matter.

Virement and supplementary estimates

9. The council will have the revenue cost centres and capital projects as set out in the approved revenue budget and capital programme, which will be agreed annually.
10. In implementing Council policy, the cabinet, or officers discharging cabinet functions, shall not exceed those budgets. However, the cabinet, or officers discharging cabinet functions, shall be entitled to vire between revenue budgets or between capital projects, and agree supplementary estimates in accordance with the procedures and limits set out in the financial procedure rules. Beyond these limits, approval to any virement or supplementary estimate shall require the approval of the full Council.

In-year changes to policy framework

11. The responsibility for agreeing the budget and policy framework lies with the council, and decisions by the cabinet, or officers discharging cabinet functions, must be in line with it. No changes to any policy or strategy which make up the policy framework may be made by the cabinet, or officers discharging cabinet functions, except those changes:
 - (a) which will result in the closure or discontinuance of a service or part of a service to meet a budgetary constraint;
 - (b) necessary to ensure compliance with the law, ministerial direction or government guidance;
 - (c) in relation to the policy framework in respect of a policy which would normally be agreed annually by the council following consultation, but where the existing policy document is silent on the matter under consideration.

Call-in of decisions outside the budget or policy framework

12. Where the scrutiny committee is of the opinion that a cabinet decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in

accordance with the council's budget, then it shall seek advice from the monitoring officer and/or chief finance officer.

13. In respect of functions that are the responsibility of the cabinet, the monitoring officer's report and/or chief finance officer's report shall be to the cabinet with a copy to every councillor. Regardless of whether the decision is delegated or not, the cabinet must meet to decide what action to take in respect of the monitoring officer's report and to prepare a report to Council in the event that the monitoring officer or the chief finance officer conclude that the decision was a departure, and to a scrutiny committee if the monitoring officer or the chief finance officer conclude that the decision was not a departure.

14. If the decision has yet to be made, or has been made but not yet implemented, and the advice from the monitoring officer and/or the chief finance officer is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, a scrutiny committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the council has met and considered the matter. The council shall meet within ten working days of the request by a scrutiny committee. At the meeting it will receive a report of the decision or proposals and the advice of the monitoring officer and/or the chief finance officer. The council may:

(a) endorse a decision or proposal of the cabinet decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the council be minuted and circulated to all councillors in the normal way; or

(b) amend the council's financial regulations (b) or policy concerned to encompass the decision or proposal of the body or individual responsible for that cabinet function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the council be minuted and circulated to all councillors in the normal way; or

(c) where the council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the cabinet to reconsider the matter in accordance with the advice of either the monitoring officer or chief finance officer.

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Cabinet procedure rules

HOW DOES THE CABINET OPERATE?

Who may make cabinet decisions?

1. The arrangements for the discharge of cabinet functions are set out in the executive arrangements adopted by the council. The arrangements provide for cabinet functions to be discharged by:

- (a) the cabinet as a whole;
- (b) an individual cabinet member;
- (c) an officer;
- (d) joint arrangements; or
- (e) another local authority.

Delegation by the cabinet

2. At the annual meeting of the council, the leader will present to the council proposals for inclusion in the council's scheme of delegation at Part 3 to this Constitution. The document presented by the leader will contain details of the nature and extent of any delegation to officers and individual cabinet members with details of any limitation on that delegation, and the title of the officer to whom the delegation is made in relation to cabinet functions for the coming year:

SUB-DELEGATION OF CABINET FUNCTIONS

- 3. Where the cabinet is responsible for a cabinet function, it may delegate further to a joint committee or an officer.
- 4. Even where cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

THE COUNCIL'S SCHEME OF DELEGATION AND CABINET FUNCTIONS

5. The council's scheme of delegation will be subject to adoption by the council and may only be amended by the council. It will contain the details required in Article 7 and set out in part 3 of this Constitution.

CONFLICTS OF INTEREST

6. Where a cabinet member has a conflict of interest this should be dealt with as set out in the council's code of conduct for councillors in part 5 of this Constitution.

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7. If every member of the cabinet has a conflict of interest this should be dealt with as set out in the council's code of conduct for Councillors in part 5 of this Constitution.
 8. If the exercise of a cabinet function has been delegated to a committee of the cabinet, or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made and otherwise as set out in the council's code of conduct for Councillors in part 5 of this Constitution.

CABINET MEETINGS – WHEN AND WHERE?

9. The cabinet will meet at least six times per year at times to be agreed by the council (normally at 6.00pm on the first Thursday of each month) and on such other occasions as determined by the leader. The cabinet will meet at the council Offices, Crowmarsh Gifford, Wallingford or another location to be agreed by the leader.

QUORUM

10. The quorum for a meeting of the cabinet, or a committee of it, shall be three.

HOW ARE DECISIONS TO BE TAKEN BY THE CABINET?

11. All cabinet decisions will be taken by the cabinet at a meeting convened in accordance with the access to information procedure rules in part 4 of the Constitution.

HOW ARE CABINET MEETINGS CONDUCTED?

Who presides?

12. If the leader is present he/she will preside. In his/her absence, then a person appointed to do so by those present shall preside.

Who may attend?

13. These details are set out in the access to information procedure rules in part 4 of this Constitution.

What business?

14. At each meeting of the cabinet the following business will be conducted:

- consideration of the minutes of the last meeting;
- declarations of interest, if any;

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- matters referred to the cabinet (whether by the scrutiny committee or by the council) for reconsideration by the cabinet in accordance with the provisions contained in the Scrutiny procedure rules or the budget and policy framework procedure rules set out in part 4 of this Constitution;
- consideration of reports from the scrutiny committee; and
- matters set out in the agenda for the meeting, which shall indicate which are key decisions and which are not in accordance with the access to information procedure rules set out in part 4 of this Constitution.

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CONSULTATION

15. All reports to the cabinet from any member of the cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and the scrutiny committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

WHO CAN PUT ITEMS ON THE CABINET AGENDA?

16. Any member of the cabinet may, subject to consultation with the leader, place an item on the agenda of the next available meeting of the cabinet for consideration.

17. The proper officer will make sure that an item is placed on the agenda for the next available meeting of the cabinet where a scrutiny committee or the full Council have resolved that an item be considered by the cabinet.

18. Any councillor may ask the leader to put an item on the agenda for a Cabinet meeting for consideration, and if the leader agrees the item will be considered at the next available meeting of the cabinet. The notice of the meeting will give the name of the councillor who asked for the item to be considered. This councillor will be invited to attend the meeting and may speak to the item.

19. Any ten councillors may, by notice given in writing to the proper officer, require an item to be included in the agenda for a meeting of the cabinet in relation to any function for which the cabinet is responsible. On receipt of such notice, the proper officer will include the item in the agenda for the next meeting of the cabinet, provided that it is received by 5.00pm at least five clear working days before the day of the meeting.

20. The monitoring officer and/or the chief finance officer may include an item for consideration on the agenda of a cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties.

21. The management team may include an item on the agenda of a Cabinet meeting. If there is no meeting of the cabinet soon enough to deal with the issue in question, then the management team may also require that a meeting be convened at which the matter will be considered.

Reports

22. All reports to the cabinet will contain the recommendations of the appropriate officer(s).
23. Where the relevant cabinet member requires, a report may also contain an alternative recommendation proposed by the cabinet member.
24. The relevant cabinet member will introduce reports at cabinet meetings and will propose recommendations, as appropriate.

Scrutiny committee procedure rules

Introduction

1. The council will have a scrutiny committee as set out in Article 6 and will appoint to it as it considers appropriate from time to time. The committee may appoint sub-committees and/or task groups.

Scrutiny committee

2. The scrutiny committee will comprise 13 councillors appointed annually by the council and will be politically balanced. All rules relating to the committee will also apply to any sub-committees.
3. Its functions are as set out in Article 6.

Who may sit on the scrutiny committee?

4. All councillors except members of the cabinet may be members of the scrutiny committee. However, no councillor may be involved in scrutinising a decision in which he/she has been directly involved.

Co-optees

5. The scrutiny committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

Meetings of the scrutiny committee

6. There shall be six ordinary meetings of the scrutiny committee in each year. In addition, extraordinary meetings may be called as appropriate. An extraordinary meeting may be called by the chairman of the scrutiny committee, by any five members of the committee, by ten councillors or by the proper officer, the head of paid service, the monitoring officer or the chief finance officer. The person or persons calling the meeting must state the business that is to be conducted.

Quorum

7. The quorum for a scrutiny committee shall be as set out for committees in the council procedure rules in part 4 of this Constitution.

Who chairs scrutiny committee meetings?

8. The scrutiny committee will be chaired by a councillor who is a member of a political group not represented on the cabinet. The vice-chairman of the scrutiny committee will be a member of a political group represented on the cabinet. The committee may appoint such persons as chairman and vice-chairman from amongst its members who meet these qualifications.

Work programme

9. The scrutiny committee will be responsible for setting its own work programme in accordance with the terms of reference laid down in Article 6.
10. Any member of a scrutiny committee, or any sub-committee shall be entitled to give notice to the proper officer that he/she wishes an item relevant to the functions of the committee or sub-committee to be included on the agenda for a meeting of the committee or sub-committee. On receipt of a valid request, the proper officer will ensure that it is included on the next available agenda.
11. The cabinet or the full Council may refer any matter to the scrutiny committee for consideration and report.

Policy review and development

12. The role of the 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.
13. The scrutiny committee may hold inquiries and investigate the available options for future direction in policy development and, subject to budgetary provision, may appoint advisers and assessors to assist it in this process. The committee may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that reasonably considers necessary to inform its deliberations. The committee may ask witnesses to attend and address them on any matter under consideration.

Making sure that scrutiny reports are considered by the cabinet

14. Once the scrutiny committee has completed its deliberations on a matter that is within its terms of reference as laid down in Article 6 it may prepare a report and submit it to the proper officer. The proper officer will allocate it to either the cabinet or the council for decision, according to whether the contents of the report would have implications for the council's budget and policy framework. If the proper 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 cabinet will have six weeks in which to respond to the scrutiny report, and the council shall not consider it within that period. When the council does meet to consider any referral from the scrutiny committee on a matter that would impact on the budget and policy framework, it shall also consider the response of the cabinet to the scrutiny proposals.

Rights of scrutiny committee members to documents

15. In addition to their rights as councillors, members of the scrutiny committee have the additional right to documents, and to notice of meetings as set out in the access to information procedure rules in part 4 of this Constitution.

16. Nothing in this paragraph prevents more detailed liaison between the cabinet and the scrutiny committee as appropriate depending on the particular matter under consideration.

Councillors and officers giving account

17. The scrutiny committee or sub-committees may scrutinise and review decisions made or actions taken in connection with the discharge of any Council function. As well as reviewing documentation, in fulfilling the scrutiny role, they may require any member of the cabinet, the chair of a committee or sub-committee, the head of paid service, a strategic director, a head of service, and, with the agreement of the head of paid service or relevant strategic director, any other appropriate officer to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) any particular recommendation or series of recommendations;
- (c) the extent to which the actions taken implement Council policy; and/or
- (d) their performance;
- (e) and it is the duty of those persons to attend if so required.

18. Where any councillor or officer is required to attend the scrutiny committee under this provision, the chair of that committee will inform the proper officer. The proper officer will inform the councillor or officer that he/she is required to attend; 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.

19. Where, in exceptional circumstances, the councillor or officer is unable to attend on the required date, then the scrutiny committee will, in consultation with the councillor or officer, arrange an alternative date for attendance.

Attendance by others

20. The scrutiny committee, or the chairman of the committee, may invite people other than those people referred to in rules 17 above to address them, discuss issues of local concern and/or answer questions. They may for example wish to hear from residents, stakeholders and councillors and officers in other parts of the public sector and may invite such people to attend.

21. Members of the public are entitled to address a scrutiny committee for a period of up to five minutes ([see council procedure rule 32, addressing a scrutiny committee](#)).

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Call-in

22. When a decision is made by the cabinet, an individual cabinet member, a committee of the cabinet, or a key decision is made by an officer with delegated authority from the leader of council, the decision shall be published, within two working days of being made. The Chairman of the scrutiny committee will be sent electronically copies of all such decisions within the same timescale, by the person responsible for publishing the decision.
23. Any notice of decisions will bear the date on which it is published and will clearly distinguish between those matters that have been resolved and will come into force, and may then be implemented, five working days thereafter and those that form a recommendation to Council.
24. During the five working day period following publication of a notice, the proper officer shall call-in a decision for scrutiny by the scrutiny committee if so requested by the chairman or any five members of the scrutiny committee, or any ten councillors, and shall then notify the decision-taker of the call-in. The decision will then be referred to the next scheduled meeting of the scrutiny committee (unless in exceptional circumstances the head of paid service, in consultation with the chairmen and vice-chairman of the scrutiny committee, determines that it shall be considered by the scrutiny committee at an extraordinary meeting) and the decision shall not be implemented until the scrutiny committee has considered it.
25. Having considered the decision, the scrutiny committee may, in the case of a resolved matter, refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns. Where the decision maker is making a recommendation to Council, the scrutiny committee may formulate an alternative set of proposals for Council to consider.
26. Where a matter is referred back to the decision maker, they shall reconsider the matter at the next scheduled meeting and then either take the final decision as already proposed; take the final decision incorporating amendments; or refer the matter to Council for decision.
27. If, following an objection to the decision, the scrutiny committee does not refer the matter back to the decision making person or body, the decision shall take effect on the date of the scrutiny committee meeting.
28. The call-in procedure set out above in relation to resolved matters shall not apply where the decision being taken by the cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public's interests.
29. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the scrutiny committee 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 of the scrutiny committee, the consent of the Chairman of Council or, in his/her absence, the Vice-Chairman, shall be required. In the absence of both, the consent of the head of paid service, or his/her nominee, 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.

Procedure at scrutiny committee meetings

30. The scrutiny committee, and any sub-committees shall consider the following business:

- (a) Minutes of the last meeting;
- (b) Declarations of interest;
- (c) Consideration of any matter referred to the committee as a result of call-in arrangements;
- (d) Responses of the cabinet to reports of the scrutiny committee; and
- (e) The business otherwise set out on the agenda for the meeting.

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Licensing acts committee and licensing panel procedure rules

General principles

1. Where valid representations are made on an application or an existing licence, a temporary events notice or a request for a review is received, the matter will be referred to the council's licensing acts committee or a panel for determination. In this section of the policy, any reference to "committee" refers to both the licensing acts committee and any panel.
2. Prior to referring a matter to the committee, consideration may be given to attempting to resolve matters informally, such as through the use of a mediation service. In some instances, however, this approach may not be appropriate.

Notifications of hearing

3. The council will notify the applicant/licensee and any representors of the date, time and venue of the hearing.

Attendance at hearings

4. The applicant, licensee or representor may be represented (legally or otherwise) and may call witnesses. Details of who will be attending the hearing to address the committee shall be supplied to the council at least two working days prior to the date of the hearing.

Report

5. A report will be prepared by the head of legal and democratic services of the council. A copy of the report will be sent to the applicant/licensee and any representors in advance of the meeting when the agenda is finalised. The report will not include an officer's recommendation, unless the hearing takes the form of an appeal.

Documentary evidence

6. Documentary evidence upon which any party intends to rely shall be submitted to the head of legal and democratic services not less than seven working days before the date of the hearing. If documents are larger than A4 size or difficult to copy (e.g. photographs) then normally five copies of the document must be supplied.
7. Any document submitted to the head of legal and democratic services after the report has been dispatched to the parties and on which one party wishes to rely shall be the subject of the following procedure before it may be read and taken into account by the committee or panel in reaching its decision:

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- (a) The document must be shown to all the other parties to the hearing wherever possible before the hearing commences.
 - (b) The party wishing to rely on the document shall be asked to explain why the document was not submitted in advance and may make any representations as to why it should be taken into account by the committee or panel in reaching its decision.
 - (c) The other party or parties to the hearing shall indicate whether, because of its late submission, they have any objection to the committee or sub-committee taking the document into account in reaching its decision.
 - (d) The committee or panel may consider whether it is necessary to grant an adjournment to any party as a result of the late submission of any document.
 - (e) Taking into account its power to grant an adjournment (including possible delay and cost caused thereby) and any representations or objections made by the parties the committee or panel shall consider whether it would be fair in all the circumstances for the document to be taken into account in reaching its decision.

Video evidence

- 8. If one of the parties wishes to show video evidence at the hearing, the head of legal and democratic services must be advised wherever possible at least 14 days in advance of the hearing and at least two copies of the video must be supplied in standard VHS format so that the opposing party or parties may have the opportunity to view the evidence in advance of the hearing. The council will inform representors or the applicant of the receipt of video evidence and will arrange for any necessary viewing equipment to be provided at the hearing.

PROCEDURE BEFORE, AT AND AFTER HEARING

General procedure

- 9. The councillors who sit on the committee or panel will meet prior to the hearing to note the matters that are to be presented. They will only be accompanied by the committee administrator and legal adviser. Attention will only be drawn to the nature of the application and the premises or person to which it relates. The actual application will not be discussed.
- 10. At any hearing of an application, the applicant and any representors shall attend in person wherever possible.
- 11. If the application or representation is made by a body corporate, business firm, society, association or other group, a duly authorised representative shall wherever possible be present who is able to address the committee or panel.

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12. In the case of the applicant/licence holder, the representative must be empowered to supply any undertaking requested by the committee or panel or demonstrate that any conditions attached to the licence will be complied with.
 13. All representors and applicants/licence holders are reminded that they can be represented by a legal representative at their own expense or by a councillor.
 14. The procedure at the hearing will be similar to that found in a Court. The committee or panel will be guided by legal principles in determining whether evidence is both relevant and fairly admitted.
 15. At the start of each application, the Chairman will introduce the committee members, the committee administrator, legal adviser and head of legal and democratic services.
 16. The head of legal and democratic services will provide a list indicating the names of the persons appearing at the hearing and the Chairman will establish whether there are any additions or alterations to be made to it. In doing so, the Chairman will invite the applicant/licence holder and any representors to introduce themselves.
 17. The Chairman will then outline the procedure to be followed for the remainder of the hearing.
 18. The head of legal and democratic services will present his report, upon conclusion of which the applicant/licence holder and any representors may ask questions. At the conclusion of these questions, the committee members or panel members may also seek clarification on any of the points that have been raised.
 19. The applicant/licence holder may then speak in support of his application/licence. Representors and the head of legal and democratic services may then ask question, followed by the committee members.
 20. In making submissions to the committee or panel, any party may call witnesses to give evidence. Where witnesses are called, all other parties will have the opportunity to ask questions.

Representor's submission

21. Representor's may address the committee or panel, having stated the nature of their interest in the matter.
22. If any person who has made representations fails to attend the hearing, the committee or panel will normally proceed but will consider the written objection and hear and consider any evidence and argument in relation to it put forward by the applicant. In considering written evidence in the absence of a representor, appropriate weight will be attached, given that the person is not able to be questioned by the applicant/licensee and committee members.

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23. A representor may not raise any ground or objection not referred to in the written submission unless the committee or panel considers there are good reasons for doing so and the representor is able to justify why the ground or objection should be raised.
 24. The applicant/licensee may make representations to the committee or panel as to why any such request to introduce a new ground should or should not be granted.
 25. In considering whether to grant a request by a representor to introduce a new ground, the committee or panel will consider whether the admission of such a ground would necessitate the grant of an adjournment and will consider any unfairness to the applicant/licensee or other representors by reason of the extra cost or delay thereby caused.
 26. Once the representor has finished, the applicant/licence holder may then ask questions, followed by the head of legal and democratic services and the committee members or panel members.

Councillor's submission

27. A councillor who represents the area in which the premises is located may not sit on any committee deciding on the matter.
28. Before a councillor addresses the committee they must first make a declaration that the application has not been previously discussed with the members of the committee or panel.

Summaries

29. At the conclusion of submissions from all representors, any representor who has addressed the committee or panel may summarise his objection, followed by the head of legal and democratic services and then the applicant/licence holder.
30. The Chairman may depart from the above procedure if he considers it in the interests of justice to do so, either of his own volition or upon application by any party. Before doing so he shall invite the views of the parties present and consider any representations that may be made.

Decision

31. When the evidence has been heard, the Chairman will announce that the hearing is adjourned to enable the committee to deliberate in private.
32. The Committee will then withdraw to another room to make their decision, accompanied only by their legal advisor and committee administrator. These individuals will not comment on the merits of the application, but will provide advice on legal and procedural points.

33. Where the committee wish to seek clarification on any other point, they will re-convene the hearing.

Notification of decision

34. The Chairman will announce the decision together with the reasons for it in public at the end of the hearing. This decision will then be communicated in writing to the applicant/licensee as soon as possible after the hearing.

35. The Chairman will also explain the procedure to be adopted if anyone at the hearing is aggrieved by the decision.

36. Where a decision has been made on a licence application, variation or a review, it is the general policy of the council not to enter into discussions or correspondence on matters relating to the hearing or any decision that is made.

STATUTORY PROVISIONS

37. Where a relevant statutory provision has been enacted that is in conflict with any of the arrangements in this section, the statutory provision will always take precedence.

Financial procedure rules

INTRODUCTION

Application and purpose

1. The financial procedure rules set out how the council's financial affairs are to be managed. All councillors and officers, and any person acting on behalf of the council, shall comply with these rules and any procedures setting out their detailed application.
2. Procedures setting out the detailed application of the rules may be issued by the chief finance officer.
3. The financial procedure rules form part of the council's Constitution and are to be read in the context of the council's objectives as set out in its community strategy (if any), best value performance plan and service strategies.

Definitions

4. In these rules:

- (a) "*Cabinet*" means the body appointed to exercise executive functions in accordance with Article 7 of the Constitution.
- (b) "*chief executive*" means the person appointed by the council as the council's head of paid service.
- (c) "*Chief finance officer*" means the officer responsible for financial affairs of the council under s.151 of the Local Government Act 1972 and s.114 of the Local Government Finance Act 1988. It includes the officer nominated by him/her to act in his/her absence and any officer of his/her staff acting on his/her behalf.
- (d) "*Council*" means the South Oxfordshire District Council, or any body or person acting on its behalf under the Constitution or delegated authority.
- (e) "*Full Council*" means a meeting of the full Council.
- (f) "*Head of service*" means a person appointed by the council to a post of head of service, or any member of his/her staff. It includes strategic directors and the chief executive when they act in the manner of a head of service, for example as a cost centre manager, or instead of a head of service within their portfolio.
- (g) "*management team*" means the body comprising the chief executive and three strategic directors.
- (h) "*Monitoring officer*" means the person appointed by the council for the purposes of s5 of the Local Government & Housing Act 1989, or the person nominated to act in his/her absence.
- (i) "*Relevant cabinet member*" means the member of the cabinet who has responsibility for that particular function.
- (j) "*Scrutiny committee*" means the committee set up under Article 6 of the Constitution.

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(k) “Strategic director” means a person appointed by the council to a post of strategic director within the council’s management team.

RESPONSIBILITIES FOR FINANCIAL MATTERS

5. Full Council is responsible for approving the following:

- (a) Financial strategies.
- (b) Medium and long-term financial plans.
- (c) The revenue budget and budget requirement.
- (d) The capital programme.
- (e) The borrowing limits.
- (f) The taxbase.
- (g) The council Tax.
- (h) The Financial procedure rules.

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- 6. The cabinet shall make recommendations to full Council on those matters referred to in paragraph 5 apart from the council tax.
- 7. The cabinet has overall responsibility for the implementation of the council’s financial strategies and spending plans, and is authorised to make financial decisions subject to these being consistent with the budget and policy framework and the Constitution.
- 8. The chief finance officer is responsible for the overall management of the financial affairs of the council.
- 9. The chief finance officer shall determine all financial systems, procedures and supporting records of the council (whether held on paper or electronically), after consultation with the relevant head of service. Any new or amended financial systems, procedures or practices shall be agreed with the chief finance officer before they are implemented.
- 10. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.
- 11. The chief executive, strategic directors and heads of service shall consult with the head of finance and head of legal and democratic services on the financial and legal implications respectively, of any report that they are proposing to submit to the full Council, a committee (or sub-committee) or the cabinet.

Delegation of responsibilities for financial matters

- 12. In the absence of the chief finance officer or the monitoring officer, or if he/she is unable to act, then his/her nominated deputy, shall be empowered to act on his/her behalf in relation to these rules.

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13. In the absence of a head of service any officer within his/her team that has been nominated by him/her shall be empowered to act on his/her behalf in relation to these rules.
 14. The strategic director with portfolio responsibility for a service is empowered to act instead of the head of service, and may require a head of service to consult him/her before taking any decision under these rules.
 15. In cases of urgency two members of the council's management team (including, if they are not members of the management team, the chief finance officer and monitoring officer) acting jointly shall be empowered to act instead of another officer in relation to these rules.

Accounting arrangements and procedures

16. The chief finance officer will determine the form and standard of all financial records, statements and accounts consistent with statutory requirements and professional standards.
17. The chief finance officer will provide or approve systems, procedures, instructions and guidance to each head of service to enable them to carry out their financial duties in an acceptable way. Each head of service must follow such systems, procedures, instructions and guidance and may not rely on any other systems and procedures unless the chief finance officer has agreed to alternatives.
18. Heads of service are responsible for ensuring the proper maintenance of financial procedures and records, and the security of assets, property, records and data, within their service area.
19. The chief finance officer will produce an annual statement of accounts and any other financial information required by statute. Each head of service must provide the chief finance officer with any information that he/she needs to enable the council's accounts to be closed in accordance with the timetable for the production and audit of the accounts.

Audit

20. All the activities of the council are subject to both internal and external audit.

Internal audit

21. In accordance with the Accounts and Audit Regulations 2003, the chief finance officer shall maintain an adequate and effective system of internal audit to carry out a continuous and independent appraisal of all the council's activities, financial and otherwise. This function shall operate in accordance with current guidelines issued by CIPFA/Auditing Practices Board.
22. The internal audit section shall undertake a cyclical review of all financial systems throughout the authority under the direction of the chief finance officer, who shall determine the appropriate level of audit coverage.

23. It shall be the specific responsibility of internal audit to review, appraise and report upon:

- (a) the soundness, adequacy and application of financial and other management-related controls;
- (b) the extent of adherence to, the relevance and the financial effect of management's policies and directives and compliance with other relevant procedures, legislation and regulations;
- (c) the extent to which the council's assets and interests are accounted for and safe-guarded from losses, which include fraud and other offences, waste, extravagance and inefficient administration, poor value for money and other causes;
- (d) the economical, efficient and effective use of resources; and
- (e) the suitability, integrity and reliability of financial and other related management data developed within the council.

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24. Internal audit will advise heads of service and the management team on such matters as risk assessment and systems of check and control in order that heads of service maintain appropriate internal controls within their financial and administrative systems to ensure that the council's resources are properly applied in the manner and on the activities intended.

25. The internal audit manager (following approval from the chief finance officer, monitoring officer or chief executive) has the authority to:

- (a) enter at all reasonable times any Council premises or land;
- (b) subject to any legislative constraints, have access to all records, documents and correspondence, and data in computer systems relating to any financial or other transactions of the council as appear to him/her to be necessary to fulfil his/her responsibilities. This includes the possessing or taking copies of any record, document or correspondence;
- (c) require and receive such information or explanations from any relevant person as are necessary concerning any matter under examination or in the discharge of his/her responsibilities;
- (d) require any relevant person to produce cash, stores or any other Council property under their control; and
- (e) examine any accounts or records not covered by the above but relating to funds managed by any relevant person arising out of his/her employment with the council.

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26. In paragraph 25(c) "any relevant person" means a councillor or officer of the council, or any organisation or person acting on behalf of the council.

27. The internal audit manager shall be entitled to report direct to any level of management, the cabinet or any committee, in his/her own name.

28. Internal audit will liaise with the external auditors to maximise the efficiency of both services provided to the council.

External audit

29. The council's accounts, financial records, operations and systems shall be audited in accordance with best audit practice and the audit regime as determined by the Audit Commission in accordance with regulations and statutory requirements.
30. The external auditor's management letter and reports shall be issued and considered in accordance with the agreed protocol.

Fraud and irregularities

31. Heads of service shall establish and maintain adequate systems of internal control and check for the prevention and detection of fraud and other illegal acts.
32. Any relevant person (as defined in paragraph 26) shall notify the chief finance officer or internal audit manager immediately of any financial or accounting irregularity, or suspected irregularity, or of any circumstances which may suggest the possibility of such loss or irregularity, including those affecting cash, stores, property, remuneration or allowances.
33. Procedures designed to frustrate and prevent any attempted fraudulent or corrupt act are contained in the council's anti-fraud and corruption strategy issued in accordance with paragraph 2 of these rules. The process for staff to notify any suspicions to management and how management should respond are contained in the council's anti-fraud and corruption response plan.

Authorised signatories

34. The heads of service shall determine who is authorised to sign financial documents on their behalf.
35. Each head of service shall provide the chief finance officer with the names and specimen signatures of officers authorised to certify and sign financial documents. The chief finance officer shall maintain a register of all such officers. Any changes of authorised officers must be promptly notified to the chief finance officer.
36. Authorised signatories shall sign in their own name and not sign in the name of their head of service or use facsimile signature stamps.

Banking arrangements and cheques

37. All arrangements with the council's bankers shall be made by the chief finance officer, who shall be authorised to open and operate such bank accounts, or arrange such other services as the council requires, and to give directions to the Bank as shall be necessary for the making of payments on behalf of the council and for the deposit of monies received by the council.

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38. No bank account, account with an institution similar to a bank, credit card facility or other arrangement for credit shall be opened in the name of the council or establishments of the council except by or with the prior approval of the chief finance officer.
39. All cheques shall be ordered only on the authority of the chief finance officer, who shall make proper arrangements for their safe custody.
40. Cheques on the council's bank accounts (including National Giro accounts) shall either bear the facsimile signature of the chief finance officer or be signed personally by the chief finance officer or officers authorised by him/her to do so. Additionally all cheques over the sum of £10,000 shall be personally countersigned by the chief finance officer or such officer as may be specifically authorised by him/her to do so. Any electronic payments over the sum of £10,000 shall be authorised by any authorised signatory to the originating account. Method of authorisation will be in accordance with head of finance's instructions.
41. All payments by cheque shall be made on a drawings or disbursements account to which transfer shall be made as and when required. Payments by electronic fund transfer shall be in accordance with procedures approved by chief finance officer. Request for payments by any other method must be approved by the chief finance officer.
42. It shall be an instruction to the council's bankers that no overdraft shall be allowed on the drawings and disbursements accounts. Overdrafts may be negotiated on the council's general account in accordance with arrangements approved by the chief finance officer.
43. All authorisations to transfer sums between accounts shall be signed (or authorised electronically) by the chief finance officer or such officer as may be specifically authorised by him/her to do so.
44. Any monies received must be paid without delay to the council's bank, or as the chief finance officer directs. Unless there is specific written authority from the chief finance officer no deductions shall be made from monies received. Under no circumstances may personal cheques of councillors or employees of the council be cashed out of monies held on behalf of the council. (See also the financial procedure rules re Income)

Borrowing, leasing and other financial arrangements

45. The borrowing powers of the council shall be exercised only in accordance with:

- (a) the policies of the council;
- (b) the borrowing limits set by the full Council;
- (c) procedures determined by the chief finance officer

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46. The chief finance officer shall be notified promptly of all proposed arrangements for the acquisition of property, vehicles or equipment which are to be financed by way of any credit, finance or operating lease.

47. All borrowing, leasing, finance and credit arrangements, will be effected by the chief finance officer.

Claims for grant or subsidy and financial returns

48. Each head of service shall make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income (see also the financial procedure rules re income).

49. It shall be the duty of each head of service to prepare, and the responsibility of the chief finance officer to certify and otherwise deal with, all claims for grants or subsidy and other financial returns required by Government departments and other bodies or organisations.

Contracts

50. The management and administration of contracts shall be in accordance with the council's contracts procedure rules and procedures issued by the chief finance officer.

Estates and asset management

51. The head of economy, leisure and property shall maintain an up-to-date register of all land and property owned or controlled by the council or in which the council has an interest. The register will detail:

- (a) the legal powers used for acquisition;
- (b) the purpose for which the property is held;
- (c) description;
- (d) location and plan reference;
- (e) area/size of land/property;
- (f) the council's interest in the land/property, e.g. freehold/leasehold;
- (g) purchase details;
- (h) rents and other charges payable;
- (i) any restrictive covenants; and
- (j) particulars of tenancies or other interests granted.
- (k) maintenance of the land and property.

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52. The head of economy, leisure and property is responsible for the valuation of all of the land and property.

53. The head of economy, leisure and property is responsible for keeping an asset register which shall identify the value of all of the assets recorded in the council's accounts (including land and property). The asset register will be kept in a form that will be agreed with the chief finance officer and in accordance with the code of practice on capital accounting. The head of finance is responsible for

calculating capital charges and depreciation charges for all properties and for maintaining the asset management revenue account, for which purpose the head of economy, leisure and property shall supply to him/her such details as required by him/her of the financial implications of any purchase, disposal or holding of land or property on the council's behalf.

54. The head of legal and democratic services shall have custody of all title deeds and keep them under secure arrangements.
55. Disposals of surplus land and property with an estimated value of up to £10,000 can be authorised by a head of service. Consultation with the cabinet member is required for disposals of land and property with a book value between £5,000 and £10,000. Above that value disposals must be authorised by the cabinet member up to a book value of £50,000 and by cabinet if the value exceeds £50,000. Before deciding whether to dispose of land or property the head of service or Cabinet shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value. For all disposals an initial valuation must be provided by a qualified valuer: if the likely value exceeds £100,000 this must be supplemented by a second, external valuation. Unless otherwise agreed by the chief finance officer and monitoring officer, all disposals with an estimated value over £5,000 shall be by way of a competitive tendering process with bids invited from as many interested parties as is commensurate with the estimated value and intended use. All disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant cabinet members. Except where a general consent exists, specific consent shall be obtained from the Secretary of State, prior to an interest in land or property being disposed of for a price less than the reasonable market consideration.
56. The head of economy, leisure and property shall notify the chief finance officer of all cases where steps are necessary to prevent or investigate loss of or damage to property not belonging to the council but in its control.

FINANCIAL PLANNING

57. The head of finance shall co-ordinate, monitor and report on the council's financial plans in accordance with the council's financial policies and as determined by the chief finance officer.
58. Heads of service shall prepare, monitor and report on financial plans for the services for which they are responsible in consultation with the head of finance.

Budgets

59. The head of finance shall prepare consolidated estimates of income and expenditure on revenue and capital accounts and any special funds maintained by the council, and shall submit these to the cabinet.
60. The cabinet will consider on an annual basis:

- (a) the estimates of proposed revenue income and expenditure for the ensuing year together with a review of the current year's revenue income and expenditure;
- (b) the proposed programme of capital expenditure, including how such expenditure will be financed and estimates of any revenue income or expenditure that will arise;
- (c) the estimates of income and expenditure to be met from any special funds in the ensuing year.

61. The cabinet shall, after any necessary consultation and after receiving reports from the relevant heads of service, chief finance officer and chief executive, consider these financial plans and make recommendations on them to the full Council.

62. Approval of the revenue estimates by full Council authorises heads of service to incur expenditure as detailed in the estimates.

63. Approval of the capital programme for the current or the next financial year by full Council authorises heads of service to incur expenditure on schemes within the approved part of the programme.

BUDGETARY CONTROL

64. Heads of service are responsible for controlling and monitoring income and expenditure within the service areas and capital projects for which they are responsible.

65. The head of finance shall provide to each head of service periodic statements comparing actual and/or forecast income and expenditure with the approved budgets for which each head of service is responsible.

66. Heads of service shall promptly notify the head of finance of any actual variance or forecast variance from an overall ("bottom-line") budget for a cost centre or capital project for which they are responsible.

67. Any variance, or forecast variance, from a revenue cost centre or capital project budget of more than £10,000 or 5% (whichever is the greater) shall be reported to the cabinet.

Budget transfers within a year

68. Heads of service may transfer (vire) budgets within a year and within a revenue cost centre or a capital project for which they are accountable.

69. The chief finance officer in consultation with the relevant heads of service and strategic directors, may transfer budgets of up to £10,000 or 5% of the total relevant budget (whichever is the greater) within a year and between any revenue budgets or budgets for capital projects. The cabinet may transfer budgets of up to £100,000 within a year and between any revenue budgets or budgets for capital projects.

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70. Budget transfers in excess of these limits, or transfers in a year which also commit the council to additional expenditure in future years, shall only be made by full Council.

71. These limits shall not apply where responsibilities for approved budgets are changed and the budgets need to be re-allocated (providing that the overall budget remains unaltered).

Budget transfers between years

72. The estimated cost of any revenue or capital project for which one-off budgetary provision has been approved may be carried forward to the following financial year, subject to:

- (a) the amount carried forward not exceeding the underspend on the relevant revenue cost centre or capital project;
- (b) the approval of the head of finance who shall maintain a record of such approvals.

Supplementary estimates

73. The chief finance officer in consultation with the relevant strategic directors and cabinet members may agree requests for revenue supplementary estimates of up to £10,000 or where the expenditure is to be met from additional grants. Requests for revenue supplementary estimates in excess of £10,000 shall be made to the cabinet which shall seek the approval of full Council if the amount exceeds £100,000, or if the total of revenue supplementary estimates in the year would exceed £250,000 should the request be agreed. For the purpose of these limits supplementary estimates for expenditure that is to be met from additional grants are to be ignored. Revenue supplementary estimates shall not be approved other than by full Council unless they can be met from additional income (i.e. unforeseen when the budget was approved) or from contingency sums approved as part of the budget.

(a) Schemes within the provisional part of the capital programme can be transferred into the approved programme by a decision of an individual cabinet member. Schemes may only be added to the provisional part of the programme by full Council. The head of finance may add schemes directly into the approved programme where they are fully funded by government grants.

(b) The advice of the chief finance officer shall be sought before any consideration of a request for a revenue supplementary estimate, the transfer of a capital scheme from the provisional capital programme to the approved programme or an addition to the provisional part of the capital programme.

74. In cases of urgency the cabinet, or officers discharging cabinet functions, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in paragraphs 73 and 73a if it is not practical to convene a quorate

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meeting of the full Council; and the Chairman of the scrutiny committee agree that the decision is a matter of urgency.

- (a) In cases of disaster or emergency, and with the agreement of the leader and the Chair of the scrutiny committee (where this is possible) strategic directors, with the approval of the chief finance officer, shall be authorised to approve additional revenue or capital expenditure in excess of the limits set out in paragraphs 73 and 73a. The chief finance officer shall report such approvals to the next meetings of the cabinet and scrutiny committee. In the absence of the chief finance officer this authority shall only be available to the chief executive in consultation with the chief finance officer's nominated deputy.

Changes to income

75. Where income is, or is expected to be, more than £10,000 greater or less than the estimated income as a result of external factors then a corresponding change will be made to the net expenditure budget for the cost centre unless otherwise determined by the cabinet or unless paragraph 76 applies.

76. Where additional income is generated by the initiative of the budget holder then, subject to the approval of the head of finance, this will accrue to the relevant budget and the net budget shall be unaltered.

Commitments

77. The council will comply with the code of practice on a prudential approach to local authority commitments, and the head of finance in conjunction with heads of service shall prepare statements required under the code.

Gifts and hospitality

78. The council has introduced a scheme whereby officers record all gifts and hospitality offered during the course of their duties. Offers of gifts/hospitality should, as a general rule, be declined. Detailed guidance notes are contained in the council's code of practice on gifts and hospitality, which is issued in accordance with paragraph 2 of these rules.

INCOME

Collection arrangements

79. Arrangements for the collection of all sums due to the council and for the prompt and proper accounting for all cash, including its collection, custody, control and deposit shall be determined by the chief finance officer.

80. Each head of service shall provide the chief finance officer with such particulars of work done, goods supplied or services rendered as may be required by him/her to record correctly all sums due to the council and to ensure the prompt rendering of accounts for the recovery of income due.

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81. The chief finance officer shall be notified promptly of all money due to the council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the council; and shall have the right to inspect any documents or other evidence in this connection as he/she may decide.

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82. Each head of service is required to make proper arrangements for claiming grants and submitting associated claims, by the due date, so as to maximise the council's income. The chief finance officer shall determine the accounting records to be maintained by each head of service to record income and expenditure of the council in relation to the claims made. (See also the financial procedure rules re applications and claims for grant or subsidy and financial returns)

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83. Heads of service shall in consultation with the relevant cabinet member, and within overall parameters agreed by the council, review all fees and charges for goods and services provided at least annually and report their recommendations to the management team.

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84. The chief finance officer is responsible for the arrangements for the collection of miscellaneous income due to the council. Each head of service should normally use the council's sundry debtors account system or cash collection arrangements, or establish their own arrangements (which shall be subject to the approval of the chief finance officer). Accounts raised must require payments to be made to the council.

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85. Each head of service must ensure that there are appropriate procedures for processing accounts, monitoring payments and following up unpaid bills. Income and VAT must be accounted for correctly in both the council's sundry debtors account system and any other systems.

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86. Instructions for the cancellation or reduction of invoices for income must be authorised by the appropriate head of service or such member of staff specifically designated by him/her for that purpose.

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87. Heads of service shall advise the head of legal and democratic services of debts that have remained unpaid with a view to the institution of legal proceedings in appropriate cases.

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88. No amount due to the council shall be discharged otherwise than by payment in full, or by writing-off the whole amount due, or an unpaid portion thereof.

WRITE OFFS

89. Sums due to the council shall not be written off other than in accordance with the delegated powers contained in part 3 of the Constitution.

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90. Where sums are written off under delegated powers these shall be recorded in a register in a form determined by the chief finance officer.

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INSURANCE AND RISK MANAGEMENT

- 91.** Each head of service must take all reasonable steps to prevent accident, injury, loss or damage, and to minimise any losses which may occur. Each head of service must ensure that effective risk management is in place within their service areas, having regard to advice from any specialist officers (e.g. fire prevention and health and safety). Risk management includes the identification, evaluation, control, financing and ongoing monitoring of risks.
- 92.** Each head of service shall notify promptly the head of finance of all new risks, properties, vehicles or assets which require to be insured and any alterations affecting existing insurance.
- 93.** The head of finance in consultation with the head of service shall determine the appropriate insurance cover. The head of finance shall be responsible for ensuring that all insurable risks are adequately covered and, in conjunction with heads of service, for regularly reviewing the levels of cover.
- 94.** The head of finance shall hold in safe custody all insurance policies of the council and arrange for payment of premiums by the due date.
- 95.** Each head of service shall inform the head of finance immediately of any insurance claim received, or any incident which will or has the potential to become an insurance claim. Procedures for the notification of claims, or potential claims, will be determined by the head of finance.
- 96.** In the case of a major fire, flood or explosion affecting the council's property, or any incident resulting in the death or injury to an employee or other person, the head of service shall contact the head of finance immediately and follow this up with a report.
- 97.** The head of finance, in conjunction with the head of service where necessary, shall be responsible for supervising the negotiating and settling of all claims made by or against the council.
- 98.** The head of finance shall ensure that appropriate employees of the council are included in a suitable fidelity guarantee insurance policy.
- 99.** Heads of service shall consult the head of finance and head of legal and democratic services regarding the terms of any indemnity the council is requested to give and shall not give any form of indemnity without the approval of these officers.
- 100.** Insurance records relating to liability policies and related correspondence must be retained indefinitely. Documents relating to other policies and self-insurance and risk management arrangements must be retained for six years. All other matters relating to insurance or indemnities shall be carried out in accordance with arrangements determined by the head of finance.

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INTERNAL CONTROL AND CHECK

- 101.** In implementing and maintaining financial systems and procedures heads of service shall ensure that these include adequate levels of internal control and check, taking into account an assessment of the risks involved. The following principles shall be observed in the allocation of financial duties:
- (a) The duties of providing information regarding sums due to or from the council, and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them;
 - (b) Where possible adequate segregation of duties shall be maintained. Officers charged with the duty of examining and checking the accounts of transactions shall not themselves be engaged in any of these transactions; and
 - (c) The principle of internal check must be included, where possible, in all accounting duties undertaken by staff. Unless it would be impracticable, each head of service must avoid any arrangement that would enable one officer to authorise, process and record a complete financial transaction. In cases where this would be impracticable, the chief finance officer must be asked to approve alternative arrangements and the head of service must ensure that the work is properly monitored.

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INVENTORIES AND CONTROL OF ASSETS

- 102.** Heads of service shall maintain an inventory or register of all assets under their control in a form and to the extent determined by the chief finance officer.
- 103.** Items shall be added to the inventory as soon as they are received. Items leased to the council should be recorded with note of ownership. If an item is lost or stolen this must be recorded against the entry in the inventory and the item should be written-off after authorisation by the chief finance officer. Surplus assets up to a book value of £10,000 may be disposed of by heads of service under delegated powers and such disposals shall be recorded in the inventory or asset register.
- 104.** The internal audit manager shall at all reasonable times have access to the assets of the council and to examine and audit registers and inventories.
- 105.** Each head of service shall undertake an annual check on all items on the inventory and take action in relation to surpluses or deficiencies in accordance with the requirements of these financial procedure rules (see financial procedural rule re stocks and stores), or where items become unserviceable or obsolete and shall update the inventory accordingly.
- 106.** Council property, assets, or materials shall only be used in connection with Council business unless otherwise authorised by the head of service. Council property shall only be removed from Council premises for use in the course of ordinary Council business, or with the permission of the head of service, and a record should be kept of authorised removals.

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107. Where it is necessary to take custody of property which is not the property of the council, the head of service shall ensure that a complete inventory is prepared and that all reasonable steps are taken to protect that property from loss or damage. The head of finance should be informed of any new insurable risk.

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108. Items of property or cash left on Council premises and regarded as lost property must be dealt with in accordance with procedures determined by the internal audit manager.

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ORDERS FOR WORKS, GOODS AND SERVICES

109. Heads of service shall place orders only in accordance with:

- (a) the contracts procedure rules;
- (b) the council's procurement and other relevant policies (including arrangements for central purchasing or the standardisation of supplies);
- (c) legal and health and safety requirements;
- (d) the principles of value for money (i.e. ordering what is legitimately required at the correct quality, quantity and time, and at the best possible price);
- (e) procedures determined by the chief finance officer.

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110. Heads of service should ensure that the council will not knowingly obtain supplies from or deal with organisations which fail to meet the reasonable expectations of their creditors, regarding payment of debts.

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111. Prior to placing an order or entering into any other sort of commitment to expenditure, a head of service must be satisfied that there is enough provision in the relevant approved revenue or capital budget and that the order will not result in an overspending.

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112. As a general rule official orders shall be issued for all works, goods and services supplied to the council. Official orders are not required where an appropriate alternative method of recording the order is available, for example:

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- (a) where a formal contract is to be entered into;
- (b) for the supply of electricity, gas, water, telephone or insurance cover;
- (c) for petty cash purchases;
- (d) employment of officers;
- (e) payment of levies or expenditure incurred in respect of licences or taxes;
- (f) for approved training courses;
- (g) for travelling, subsistence, subscriptions or approved donations;
- (h) for borrowing money or making investments.

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113. Where an official order is not issued a register or other record shall be kept by the head of service to monitor the order and payments process and to prevent duplicate payments.

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114. All official orders shall be in a form determined by the chief finance officer.

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115. An officer must not seek or receive any gift or personal inducement, including lavish or excessive hospitality, in connection with the placing of any order. Officers may not place orders with any individual or organisation with whom they have a family, personal or financial relationship. If an officer's work involves contact with any individual or organisation with whom they have a family, personal or financial relationship, that officer must notify their head of service in writing for inclusion in the Register of Officers' Interests.

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PAYMENTS

116. All payments (including invoices, salaries, wages, other emoluments, allowances, benefits and petty cash) shall be made under arrangements determined by the chief finance officer.

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117. No payment to a member of staff shall be authorised by himself/herself. Payments to heads of service shall be authorised by a member of the management team; payments to a member of the management team shall be authorised by another member of the management team.

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Payment of invoices

118. Each head of service is responsible for checking the accuracy and validity of invoices submitted for payment, and for processing these promptly in accordance with procedures determined by the chief finance officer. Heads of service shall provide the chief finance officer with such particulars in connection with work done, goods supplied or services rendered and all other amounts due, as may be required and in such a manner as the chief finance officer may specify.

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119. The chief finance officer may examine any account, and obtain any explanation considered necessary.

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120. Wherever practicable the duties of ordering, receiving goods or services and certifying the invoice shall not be performed by the same officer.

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121. Heads of service shall notify the head of finance of all outstanding expenditure relating to the previous financial year, in accordance with the year end accounting timetable produced by the head of finance.

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Salaries, wages and allowances

122. Heads of service are responsible for checking the accuracy and validity of claims and other records relating to contracts of employment (including travel and subsistence).

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123. The head of HR, IT and customer services is responsible for ensuring that all payments made under contracts of employment are in accordance with such contracts, the council's human resources policies, and in accordance with procedures determined in consultation with the chief finance officer.

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124. The head of HR, IT and customer services shall advise the head of finance of all matters affecting the remuneration of employees.

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Councillors' allowances

125. Councillors who are entitled to claim travelling or other allowances shall submit their claim on the prescribed form, duly completed and signed. Claims should be submitted promptly, every month to the head of legal and democratic services. The accuracy of the information contained in a claim shall be the responsibility of the councillor concerned.

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126. The head of legal and democratic services shall be empowered to examine all claims submitted and make whatever checks or enquiries he/she feels are reasonable to verify the accuracy of the claim before payment.

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Petty cash imprest and cash floats

127. The chief finance officer shall provide officers with petty cash accounts and cash floats, as he/she considers necessary. Petty cash will be maintained on the imprest system. Any officer to whom a petty cash imprest or a cash float has been issued shall maintain records and operate the account in accordance with procedures determined by the chief finance officer.

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128. Heads of service shall notify the chief finance officer when authorisation is withdrawn from an officer or an authorised officer leaves the council, or when responsibility for the imprest is transferred to a different officer.

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RETENTION OF DOCUMENTS AND FINANCIAL RECORDS

129. Heads of service are responsible for the retention of documents and other financial records. These shall be retained for periods prescribed by statutory or other external regulations or, in the case of financial records and supporting documents where there are no such requirements, the chief finance officer shall determine the retention periods, including the type of storage media.

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130. Financial records shall not be disposed of other than in accordance with prescribed statutory requirements or as approved by the chief finance officer.

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Security

131. Heads of service are responsible for the security and safe custody of all assets, cash and other property under their control. For the purposes of these financial procedure rules an asset is any item which has an intrinsic value and includes land, buildings, fittings, furniture and equipment, computer equipment and systems, vehicles plant and machinery, stores and materials, money, investments and securities, data and confidential information.

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- | **132.** Each head of service shall consult internal audit in any case where security is thought to need improvement, or where it is considered that special security arrangements may be needed.
- | **133.** Maximum limits for cash holdings shall be agreed with the chief finance officer and shall not be exceeded without his/her express permission. Cash held in any safe must not exceed the amount of the insurance limit for that safe.
- | **134.** Keys to safes, cash boxes, strongrooms, machines and security systems shall be in the safe keeping of those responsible at all times. The loss of any such keys shall be reported to the head of service concerned immediately who should take appropriate steps to protect the interests of the authority.
- | **135.** Each head of service shall be responsible for the control and security of all funds managed by employees arising out of their employment.
- | **136.** The holders of safe keys shall not accept unofficial funds or valuables for depositing in the safe unless authorised by the chief finance officer. In such circumstances it must be made clear to the depositors that the council is not to be held liable for any loss.
- | **137.** Assets shall, where possible but in particular attractive, desirable and portable items, be clearly marked as being the property of the council. Leased property should be marked in accordance with any agreement reached between the chief finance officer and lease companies.
- | **138.** Computer equipment, programs and data must be adequately protected against theft, misuse and unauthorised access and each head of service is responsible for ensuring the compliance with all Council policies and guidelines on security and crime prevention.
- | **139.** If any financial irregularity occurs or is suspected concerning cash, stores or other property of the council, or in the exercise of the functions of the council, the head of service concerned shall immediately notify the chief finance officer and internal audit manager who will take such steps as they consider necessary by way of investigation and report.
- | **140.** In instances of criminal activity, or suspected criminal activity, affecting the council's finances heads of service shall immediately notify the chief finance officer of the circumstances.

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Stocks and stores

- | **141.** Heads of service shall be responsible for the custody and physical control of the stocks and stores held in his/her service area(s) and shall ensure that stocks and stores are not carried in excess of reasonable requirements.
- | **142.** Heads of service are responsible for maintaining systems of stock accounting, examination and control, which accurately and completely record the value of

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stock and stores for which they are responsible, and which have been approved by the chief finance officer.

143. Heads of service shall arrange for a stock take of all stocks and stores at least once every year, as near as possible to 31 March each year, or on a regular continuous basis during the year. Such checks should be carried out independently of the officers responsible for their custody.

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144. The chief finance officer may at all reasonable times have access to all stocks and stores of the council and may make such checks as are deemed necessary including presence during stock-taking.

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TAXATION

145. The chief finance officer shall be authorised to make any decision or determination with regard to taxation that he/she considers necessary for the overall tax efficiency of the council. All instructions or guidance issued by the chief finance officer relating to the tax affairs of the council shall be complied with by any employee and where appropriate shall be drawn to the attention of any contractor to the council.

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146. The head of finance is responsible for the administration of the tax affairs of the council.

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TREASURY MANAGEMENT

147. The council shall observe the CIPFA code of practice for treasury management in local authorities.

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148. A treasury management policy statement setting out the matters detailed in paragraph 15 of the CIPFA code of practice for treasury management in local authorities, namely:

- (a) definition of approved activities;
- (b) strategy formulation, approved financing methods, sources of borrowing, approved organisations for investment and investment instruments;
- (c) policy on interest rate exposure, external management of investment and delegation;
- (d) review and reporting requirements

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shall be adopted by the council and thereafter its implementation and monitoring shall be delegated to the head of finance (subject to any directions from the chief finance officer, and in accordance with any procedures determined by the chief finance officer).

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149. At or before the start of the financial year the head of finance shall report to the cabinet on the strategy for treasury management it is proposed to adopt for the coming financial year.

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150. All executive decisions on borrowing, investment or financing shall be delegated to the head of finance who shall be required to act in accordance with CIPFA's code of practice for treasury management in local authorities and the policy statement and strategy referred to above.

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151. The head of finance shall report to the cabinet not less than twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report shall comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.

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152. All money in the hands of the council shall be under the control of the chief finance officer.

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153. All borrowing and investments of the council's funds shall be made in the name of the council or nominees approved by the chief finance officer.

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154. The chief finance officer shall be the council's registrar of stocks, bonds and mortgages. All negotiable instruments, financial bonds and securities (other than title deeds of land or buildings), the property of, or in the name of the council, or its nominees, shall be held by the chief finance officer, or otherwise as the chief finance officer may specifically direct, under secure arrangements.

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155. The chief finance officer shall determine the form of records of all borrowing or investments made by the council.

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156. All trust funds shall, wherever possible, be in the name of the council and shall be operated in accordance with arrangements made by the chief finance officer. Officers acting as trustees by virtue of their official position shall deposit all securities relating to the trust with the chief finance officer unless the deed provides otherwise.

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UNOFFICIAL FUNDS

157. An unofficial fund is any fund associated with Council business, supervised or managed by Council staff, but which is not part of Council funds or trust funds of the council. All unofficial funds monies shall be kept separate from Council monies.

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158. Officers planning to act as honorary treasurers of unofficial funds shall consult the appropriate head of service and chief finance officer before accepting the position.

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159. Unofficial funds shall be managed and administered in accordance with any statutory requirements and at least to the same standards as those applicable to the council generally.

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160. The head of service concerned shall be responsible for ensuring sound arrangements for the financial management and audit of unofficial funds and shall consult with the chief finance officer before formulating regulations that

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apply to such funds, and shall seek guidance from him/her on taxation. The type and extent of audit will be decided in consultation with the chief finance officer and will take into account the nature of the fund and the degree of risk.

161. Financial records shall be kept for all unofficial funds as determined by the chief finance officer who shall be given complete access to all records and information relating to unofficial funds.

162. The chief finance officer shall have the right to require any officer holding unofficial funds to give a true account, in writing, of the following:

- (a)** all money and property committed to the officer's custody;
- (b)** all receipts and payments, together with vouchers and other supporting documents; and
- (c)** a complete list of the amounts due from, or to, all persons.

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Contracts procedure rules

SECTION A - INTRODUCTION

1. These Contracts Procedure Rules (issued in accordance with section 135 of the Local Government Act 1972) are intended to promote good purchasing practice, public accountability and to deter corruption. These Contracts Procedure Rules are the rules that regulate council Contracts.

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2. The purpose of the rules is to ensure that works, supplies/goods, or services are appropriate for their purpose, provide the right balance between price and quality and are procured in an open way that demonstrates probity and compliance with the law, best practice and Council policies.

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3. Contracts Procedure Rules apply to **all** council Contracts excluding Contracts of employment and Contracts with employment agencies for the engagement of temporary employees. Contracts include:

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works contracts; the purchase of supplies/goods, services and computer hardware and software; leasing arrangements; hire of plant and equipment; consultancy services; the acquisition and disposal of land and the disposal of goods and materials

4. Contracts Procedure Rules apply irrespective of the size of the Contract. A formal Contract may not necessarily be involved e.g. the intention may be to issue an Order. The Contract may involve expenditure by or income to the council.

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5. The rules form part of the council's Constitution.

6. These Contracts Procedure Rules should be read in conjunction with all other elements of the council's Constitution. These Contracts Procedure Rules do not provide guidance on what is the best way to purchase works, supplies/goods, and services. They set out the minimum requirements to be followed. Further information and guidance are set out in the council's Purchasing Guide and Procurement Strategy and the council's Tender Evaluation Policy available on the council's procurement intranet.

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SECTION B - DEFINITIONS

7. In these Contracts Procedure Rules the following words and phrases mean as follows:

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“Approved List”

A list of contractors, approved by the cabinet or a Committee, for types of works, supplies/goods or services with specified Contract limits applicable to contractors from which limited lists of tenderers can be drawn.

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“Award Criteria”	The criteria by which the successful Quotation or Tender is to be selected.
“Cabinet member”	The member of the cabinet to whom the council has allocated responsibility for the service or in the cabinet member’s absence an alternative cabinet member.
“Cabinet or a Committee”	The cabinet or committee with budget and service responsibility for a particular Contract.
“Certified Contract”	A Contract which may be certified under the Local Government (Contracts) Act 1997.
“Competitive Dialogue Procedure”	An EU procedure as an alternative to the Open, Restricted, and Negotiated procedures, designed for the award of “complex contracts” and which provides for open dialogue with short listed providers.
“Contract”	A legally binding agreement between two or more parties which is intended to be enforceable at law.
“Contract Sum”	The amount of expenditure or income specified in the Contract or Order.
“Contract Value”	The estimated total value of an individual Contract or series of Contracts (both income generating and involving expenditure) calculated in accordance with Contract Procedure Rule 34.
“EU”	European Union.
“EU Procedure”	The procedure required by the EU where the total value of the Contract exceeds the relevant EU threshold.
“EU Threshold”	The current threshold value at which the EU public procurement directives must be applied for advertisement under the EU Public Procurement Rules.
“Framework Agreement”	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, (in particular with regard to price and, where appropriate, the quantity envisaged).

“Head of service”	The head of service with responsibility for the Contract, or an officer with authority to act on behalf of that head of service in relation to the Contract, or an officer with line management responsibility for the head of service and in the absence of the officer with line management responsibility, any strategic director or the chief executive.
“Land Acquisition”	Any acquisition of land or buildings by the council by way of a freehold or leasehold purchase.
“Land Disposal”	Any disposal of land or buildings by the council by way of a freehold sale or a lease for a term exceeding seven years.
“Most Economically Advantageous Offer”	A tender or quotation which provides the best value for the council having regard to both price and other evaluation criteria relevant to the Contract.
“Negotiated Procedure”	An EU procedure where the council negotiates with one or more potential service providers and which may only be used in exceptional circumstances.
“Order”	A written priced and signed Order authorised and issued in accordance with the council’s Financial Procedure Rules.
“Open Procedure”	A one-stage procedure where all contractors who respond to an advertisement are invited to complete a pre-qualification questionnaire and tender for the Contract.
“Procurement Strategy”	The document setting out the council’s approach to procurement and key priorities and available on the council’s procurement intranet.
“Purchasing Guide”	A suite of guidance documents, together with a number of standard documents and forms, which supports these Contracts Procedure Rules and are available on the council’s procurement intranet.
“Quotation”	A price provided to the council as a Contractor’s formal offer.
“Restricted Procedure”	A two-stage procedure where contractors who respond to an advertisement are short listed by

	way of a pre-qualification assessment and then invited to tender.
“Select List”	A limited list of tenderers for a Contract selected following advertisement, expression of interest, pre-qualification assessment and tender evaluation.
“Strategic director”	The strategic director responsible for the Contract, an officer with authority to act on behalf of that Director in relation to the Contract and in the absence of the strategic director responsible for the Contract, any strategic director or the chief executive.
“Tender”	A sealed bid submitted by a contractor by a specified date and time in accordance with terms specified by the council.

SECTION C - GENERAL REQUIREMENTS

Compliance with other Rules, Statutes, Regulations and EC Treaty and European Directives

8. All Contracts made by or on behalf of the council shall comply with these Contracts Procedure Rules and

- (a) The budget and policy framework
- (b) Financial procedure rules
- (c) The scheme of delegation
- (d) All other parts of the council’s Constitution
- (e) Statutes
- (f) Regulations
- (g) EC Treaty and EU directives

9. Where there is any conflict between national law, European regulations and directives and these Contracts Procedure Rules, national law and European Regulations and Directives shall prevail.

Collaborative partnerships and joint working

10. Collaborative and partnership arrangements are subject to all United Kingdom and EU procurement legislation and must follow these Contracts Procedure Rules.

11. Any partnerships or joint procurement arrangements with other local authorities or public bodies including membership or the use of purchasing consortia for procurements the total Contract Value of which exceeds the relevant EU

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Threshold shall be approved by the cabinet member prior to the commencement of any procurement on behalf on the council.

Agency arrangements

- 12.** Where the council acts as an agent for another local authority, these Contracts Procedure Rules shall apply unless that authority specifies the use of alternative procedures, or has chosen the contractor using its own selection procedures in accordance with Contracts Procedure Rule 146.

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Working with other partners

- 13.** These Contracts Procedure Rules apply to Contracts in partnership with other bodies unless authorised as an exception under Section J.

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Contract documentation

- 14.** The formal advice of the head of legal and democratic services must be sought for the following contracts:

- (a) where the Contract Value exceeds £75,000;
- (b) those involving leasing arrangements;
- (c) where it is proposed to use a supplier's own terms;
- (d) those involving the purchase of application software;
- (e) those that are complex in any other way.

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- 15.** Every Contract made by or on behalf of the council shall be evidenced in writing. Where the Contract Value does not exceed £75,000 the Contract may be by an Order or an alternative method of recording the arrangements where permitted under Financial Procedure Rules or, if the head of service considers appropriate, a formal written Contract signed by the head of service.

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- 16.** Where the Contract Value exceeds £75,000 the Contract shall be in writing in a form approved by the head of legal and democratic services and shall be sealed with the Common Seal of the council unless the head of legal and democratic services considers that the Contract need not be made under seal.

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- 17.** Where appropriate the council's standard terms and conditions shall be used.

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- 18.** Every formal written Contract for any Contract Value shall include the following provisions unless the head of service and head of legal and democratic services considers it inappropriate to do so state:

- (a) the purpose and basis of the Contract
- (b) the nature of the works, supplies/goods or services to the council
- (c) the amount to be paid by the council including any terms for deductions and discounts
- (d) the duration of the Contract
- (e) delivery arrangements

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- (f) the council's requirements in respect of relevant Council policies (e.g. health and safety)
- (g) such additional conditions as the head of service or head of legal and democratic services shall determine
- (h) a requirement that works, supplies/goods and services shall comply with any relevant international or European standard or where these do not exist any relevant British Standard
- (i) the provisions for the parties to terminate the contract.

19. Where the Contract Value exceeds £75,000 the Contract shall unless the head of service and head of legal and democratic services consider it inappropriate to do so state:

- (a) any insurance requirements
- (b) health and safety requirements
- (c) data protection requirements, if relevant
- (d) that charter standards are to be met if relevant
- (e) equality and diversity requirements
- (f) environmental requirements
- (g) freedom of information requirements
- (h) that the contractor must comply with the council's policies relevant to the delivery of the contract
- (i) where Agents are engaged to let contracts, that Agents must comply with the council's Contracts Procedure Rules
- (j) a right of access to relevant documentation and records of the contractor for monitoring and audit purposes if relevant
- (k) that if the contractor fails to perform the Contract, the council may cancel all or part of the Contract or may terminate the Contract and recover from the contractor any additional sums incurred
- (l) that the contractor shall be liable to liquidated damages if it fails to meet the terms of the Contract
- (m) that the Contract may not be assigned or otherwise transferred by the contractor without the written permission of the council
- (n) that the council may terminate the Contract and recover any loss resulting from such cancellation if the contractor, its employees or anyone acting on the contractor's behalf do any of the following:
 - (i) offer, give or agree to give any person a gift or consideration of any kind as an inducement or reward for any action to show favour or disfavour to any person in relation to the Contract or any contract with the council;
 - (ii) if the act or like acts have been undertaken by any person or party employed or acting upon the contractor's behalf (whether with or without the contractor's knowledge);
 - (iii) do anything improper to influence the council in the award of the Contract; or
 - (iv) commit an offence under the Prevention of Corruption Acts 1889 to 1916 or Section 117 (2) of the Local Government Act 1972 or the Bribery Act 2010
 - (v) commit any fraud in connection with this or any other Council contract whether alone or in conjunction with councillors, contractors or employees.

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- (j) that the contractor must comply with the comments and complaints procedure or an equivalent procedure agreed between the council and the contractor to serve the same purpose, and
- (k) that the contractor must publicise or advertise the fact that the Contract works being carried out or the services delivered are being carried out or delivered by the contractor on behalf of the council.

20. Where there is a standard form of Contract recognised by a professional institution or body for a particular type of contract, the relevant head of service shall following consultation with the head of legal and democratic services use the standard form of Contract subject to any variations or additions agreed by the head of service and the head of legal and democratic services.

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Certified contracts

21. In the case of certified contracts, every relevant Contract shall be accompanied by a certificate under the 1997 Act and Regulations certified by the head of legal and democratic services.

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22. There shall be inserted in every certified Contract a clause which states on the part of the council that the Contract is a certified Contract under the Local Government (Contracts) Act 1997 Act and that the certification requirements under the 1997 Act are intended to be satisfied by the council within six weeks of the signing of the contract.

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Management and supervision of contracts

23. All Council employees and anyone engaged by the council to manage and supervise a Council Contract shall comply with the requirements of these Contracts Procedure Rules.

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24. Heads of Service shall appoint a named Contract manager for the entirety of any Contract for which they are responsible.

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Bonds and guarantees

25. If the Contract Value exceeds £75,000.00 the Contract Manager for that contract shall carry out a risk assessment for the procurement and send this with suggested mitigation measures including the need for a performance bond or parent company guarantee and the level of such bond/guarantee and the need for a liquidated damages provision to the head of finance and the head of legal and democratic services for their approval prior to commencing the procurement.

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26. The terms of any performance bond or parent company guarantee required including provisions for its release shall be approved by the head of legal and democratic services

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Signing/sealing of documents

27. A decision of the cabinet, an individual cabinet member, or a committee, or the exercise of any power delegated to an officer in relation to any Contract will be sufficient authority for signing or sealing any document necessary to give effect to the decision.

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28. The Common Seal of the council shall be affixed to those documents, which in the opinion of the head of legal and democratic services should be sealed. The affixing of the Common Seal shall be attested by the head of legal and democratic services or by the chief executive, a strategic director or a senior lawyer.

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Commencement of contract

29. No works, services or supplies shall be commenced until a Contract has been completed or an Order has been issued to the contractor unless the strategic director approves otherwise.

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Declaration of interests

30. Officers of the council shall declare to their head of service their direct or indirect pecuniary interest in Contracts, which have or are proposed to be entered into by the council. An officer with an interest in a Contract whether declared or not shall take no part in the procurement process or advise on the council's dealing with that Contract.

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31. Officers shall declare their interest if a Contract in which they have an interest arises at a meeting at which they are present, and if appropriate withdraw from the proceedings.

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Nominated sub-contractors and suppliers

32. Where a sub-contractor or supplier is to be nominated to a main contractor, the head of service shall follow the requirements of these Contracts Procedure Rules when inviting Quotations or Tenders in order to select a sub-contractor or supplier.

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SECTION D - FINANCIAL LIMITS FOR QUOTATIONS OR TENDERS

33. The Contract Value determines which quotation or tendering requirements apply.

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34. The Contract Value is calculated (exclusive of VAT) in the following way:

- (a) the estimated total value of a fixed term Contract or a series of Contracts;
- (b) for Contracts for an indefinite period by multiplying the estimated monthly value by 48;

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(c) the total Contract Value for the purposes of clarifying whether or not the contract exceeds the relevant EU threshold means the total value of the contract to all councils participating in the procurement calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents)

35. These calculation methods apply to Contracts involving both expenditure by and income generated for the council and a record shall be kept of the calculation.

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36. If the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) does not exceed £10,000 one written Quotation shall be obtained as a minimum, although the head of service may choose to seek additional written Quotations if this is likely to obtain better value for money. The procedure for obtaining Quotations is set out in Section F.

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37. If the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £10,000 but does not exceed £75,000, three written quotations shall be invited as a minimum, unless an exception set out in Section J applies. The procedure for obtaining quotations is set out in Section F. However, the head of service may instead choose to seek Tenders if this is likely to obtain better value for money. The procedure for obtaining Tenders is set out in Section G.

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38. If the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £75,000, Tenders shall be invited in accordance with the procedure set out in Section G.

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39. A summary of the financial limits and the application of Contracts Procedure Rules are set out in Appendix A.

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40. If an officer knowingly and deliberately disassembles a Contract or series of Contracts to avoid the requirements of Contracts Procedure Rules, which would apply to the complete scheme, this will amount to misconduct and may lead to disciplinary action.

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41. No individual external contractor shall be awarded work totalling more than £75,000 (excluding any Contracts awarded as an exception under Section J) in any financial year by the same head of service on the basis of single written Quotations. Allocation of work above this total shall only be made on the basis of a minimum of three written quotations or Tenders being invited in accordance with these Contracts Procedure Rules.

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SECTION E - STEPS PRIOR TO LETTING CONTRACTS

General requirements

42. The head of service shall appraise the contract, in a manner commensurate with its complexity and value, and take into account any guidance on the council's procurement intranet by:

- (a) taking into account the requirements from any relevant review
- (b) appraising the need for the expenditure and its priority
- (c) defining the objectives of the Contract
- (d) assessing the risks associated with the Contract and how to manage them
- (e) considering what procurement method is most likely to achieve the Contract objectives, including internal or external sourcing, partnering, relevant packaging strategy and collaborative procurement arrangements with another local authority, government department, statutory undertaker or public service purchasing consortium
- (f) consulting users as appropriate about the proposed procurement method, Contract standards, performance and user satisfaction monitoring
- (g) setting out these matters in writing and by confirming that:
 - (i) there is a cabinet/committee individual cabinet member or delegated approval in accordance with the Scheme of Delegation as set out in the council's Constitution for the Contract and expenditure
 - (ii) if the Contract is a key decision, all appropriate steps required by the Constitution have been taken.

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Procurement procedure

43. Before engaging in a Tender exercise officers shall establish whether any contracts including framework agreements placed by other public authorities (e.g. Office of Government Commerce, buying consortia) are available for the council's use, potentially saving time and money.

44. Where Tenders are required to be invited any of the methods specified in these Contracts Procedure Rules may be employed as well as any other method permitted under the EU Procedure.

45. The Office of Government Commerce (OGC) approved e-procurement technology may be used for tendering purposes.

Project management

46. Procurements which are of sufficient value or complexity should also be considered as projects and as such the head of service and relevant officer must follow the council's project management system including the completion and agreement of key project documents.

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Identifying and assessing potential contractors

47. Officers shall ensure that, where proposed Contracts, irrespective of their total value, might be of interest to potential candidates located in other member states of the EU, a sufficiently accessible advertisement is published.

48. Generally, the greater the interest of the Contract to potential bidders from other member states, the wider the coverage of the advertisement should be.

49. The head of service is responsible for ensuring that all candidates for a relevant Contract are suitably assessed. The assessment process shall establish that the potential candidates have sound:

- (a) economic and financial standing
- (b) technical ability and capacity

to fulfill the requirements of the council.

Pre-tender market research and consultation

50. The head of service:

(a) may consult potential suppliers prior to the issue of the invitation to Tender in general terms about the nature, level and standard of the supply, Contract packaging and other relevant matters, provided this does not prejudice any potential candidate, but

(b) must not seek or accept technical advice on the preparation of an invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential candidates or distort competition, and must seek advice from the head of legal and democratic services.

Records

51. Where the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) is less than £75,000 the following records must be kept by the officer responsible for the purchase:

(a) invitations to quote and Quotations

(b) a record:

(i) of any exemptions and the reasons for them

(ii) of the reason if the lowest price is not accepted

(c) written records of communications with the successful contractor or an electronic record if a written record of the transaction would normally not be produced.

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52. Where the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) exceeds £75,000 the officer must record:

- (a) the method for obtaining Tenders
- (b) any contracting decision and the reasons for it
- (c) any exemption together with the reasons for it
- (d) Tender documents sent to and received from candidates
- (e) pre-tender market research
- (f) clarification and post-tender negotiation (to include minutes of meetings)
- (g) the Contract documents
- (h) post-contract evaluation and monitoring
- (i) communications with candidates and with the successful contractor throughout the period of the Contract.

53. Records required by this rule must be kept for six years after the end of the Contract. However, written documents which relate to unsuccessful candidates need only be retained for 12 months from award of the Contract, provided there is no dispute about the award.

54. A business case must be prepared for all procurements with a potential value over the EU Threshold. Provision for resources for the management of the Contract, for its entirety, must be identified in the business case.

55. For all Contracts with a value over the relevant EU Threshold Contract managers must maintain a risk register during the Contract period, undertake appropriate risk assessments and for identified risks ensure contingency measures are in place.

SECTION F - QUOTATIONS

56. Unless otherwise required by law or an exception set out in Section J applies, the financial limits relating to Quotations are:

- (a) up to £10,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents). Minimum of one written Quotation to be obtained.
- (b) £10,001 to £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) Minimum of three written Quotations to be invited.

57. Quotations shall be invited from:

contractors on Approved Lists; and

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in the absence of an Approved List or where the head of service considers it appropriate from identified providers of the required works, supplies/goods or service.

- | **58.** Requests for written Quotations shall be made in writing.
- | **59.** The written Quotations need not be received but should be considered at the same time unless it is not practical to do so.
- | **60.** Quotations shall not be divulged to other contractors.
- | **61.** A Quotation shall only be accepted if it is within an approved revenue or capital budget.
- | **62.** All relevant circumstances shall be taken into account when evaluating and accepting Quotations. Where the accepted Quotation is not the lowest (or highest in the case of income) the reasons for acceptance shall be recorded. Quotations may be accepted as follows:
- | **63.** Up to £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) by the head of service
- | **64.** Where a minimum of three written Quotations have been invited but fewer than three have been received, the head of service, in consultation with the cabinet member, may accept one of them if satisfied that the Quotation is suitable and inviting additional Quotations is unlikely to achieve greater value for money.
- | **65.** Where written Quotations have been sought based on a genuine estimate, but the one recommended for acceptance exceeds £75,000, it may be accepted by the cabinet member if seeking Tenders is unlikely to provide greater value for money.
- | **66.** A Quotation up to £75,000 shall be accepted by an Order unless a formal written Contract is entered into or an alternative method of recording the arrangements is permitted under Financial Procedure Rules. If a quotation above £75,000 is accepted under Contracts Procedure Rule **64**, the Contract shall be in writing in a form approved by the head of legal and democratic services and shall be sealed with the Common Seal of the council at the discretion of the head of legal and democratic services.
- | **67.** A written record shall be kept of all requests for, receipt and acceptance of Quotations.
- | **68.** No individual external contractor shall be awarded work totalling more than £75,000 (excluding any Contracts awarded as an exception under Section J) in any financial year by the same head of service on the basis of single written Quotations. Allocation of work above this total shall only be made on the basis of three written Quotations or Tenders being invited in accordance with these Contracts Procedure Rules.

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SECTION G - TENDERS

General

69. Tenders must be invited if the Contract Value exceeds £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) unless an exception under Section J applies.

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70. Tenders may also be invited for Contracts below this amount where this would be in the best interests of the council e.g. it is likely to provide better value for money and wider competition.

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71. Tenders may also be preferred to Quotations where it is known that the Contract Value is likely to be close to the £75,000 limit.

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72. Unless a decision of the council or law requires otherwise, heads of service in consultation with the head of HR IT and customer services and the cabinet member shall select which of the following Tender procedures is in the best interests of the council:

- (a) Approved List
- (b) Select List
- (c) EU Open/Restricted/Competitive Dialogue Procedure
- (d) EU Negotiated Procedure (if the use of this procedure is approved by the strategic director, the monitoring officer and the chief finance (section 151) officer
- (e) EU Framework Agreements
- (f) Office of Government Commerce buying consortia agreements

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73. In selecting contractors invited to Tender or awarding a Contract, heads of service shall assess and evaluate the suitability of contractors.

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Approved list - (see Section K on compilation and maintenance)

74. Approved Lists should be used where recurrent transactions of similar types are likely but not where such transactions need to be individually priced and cannot easily be aggregated and priced in a single tendering exercise.

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75. Tenders shall be invited from at least five contractors on the Approved List for Contracts of the type and value in question.

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76. The five contractors shall include:

- (a) at least one contractor from the Approved List selected by rotation;
- (b) up to two contractors from the Approved List who have satisfied the head of service that they have previously provided value for money to the council for a similar Contract, taking into account overall performance and the final Contract cost.

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Select list

77. Invitation for inclusion on a Select List shall be by way of an Open or Restricted non EU or EU Open Restricted or Competitive Dialogue Procedure and shall be advertised:

- (a) on the council's website
- (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My Tenders, Contracts Finder, Constructionline.
- (e) in the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) where the head of service considers this appropriate or required by law.

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78. Contractors responding to the advertisement may be required to complete a pre-qualification questionnaire to provide a basis for selection.

79. Tenders shall be invited from at least five contractors who respond to the advertisement under Contract Procedure Rule 75

80. Where fewer than five contractors express an interest, the head of service shall repeat the Select List procedure, follow an alternative Tender procedure or seek instructions from the cabinet or a Committee.

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Open procedure

81. The Contract shall be advertised:

- (a) on the council's website
- (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
- (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My Tenders, Contracts Finder, Constructionline.
- (e) in the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) where the head of service considers appropriate or required by law.

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82. Tenders shall be invited from all contractors responding to the advertisement.

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83. Where fewer than five contractors express an interest, the head of service shall repeat the Open Procedure, follow an alternative procurement procedure or seek instructions from the cabinet or a Committee.

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Restricted procedure

84. This is a two stage procedure where contractors who respond to an advertisement or notice are short listed by way of a pre-qualification assessment and then invited to Tender. Candidates must be selected on the basis of published pre-qualification criteria.

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85. The advertisement/notice will specify a time limit within which interested parties must submit requests to be selected to Tender. The head of service must send invitations in writing to all contractors selected to Tender. The invitation will include the specification and Contract documentation.

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86. If the publication of a notice in the OJEU is not required the advertising requirements are the same as in the Open Procedure except that the advertisement/notice shall state that the Restricted Procedure is being used.

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Competitive dialogue procedure

87. The Competitive Dialogue Procedure may be used where the council wishes to award a particularly complex contract and the EU Open or Restricted Procedure does not provide for the award of that Contract (particularly complex contract and where it is not possible objectively to define the technical means capable of satisfying the council's requirements or objectives or objectively to specify the legal or financial makeup of a project or both).

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88. The advertising requirements are the same as in the Open Procedure and the Restricted Procedure except that the advertisement/notice shall state that the Competitive Dialogue Procedure is being used.

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89. The head of service will send invitations in writing simultaneously to each candidate selected via a pre-qualification questionnaire to participate in the dialogue. The invitation will include the outline specification and Contract documentation.

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90. The Competitive Dialogue Procedure may take place in successive stages by applying the Award Criteria in the contract notice or Tender documents and number of contractors invited to participate in the final stage must be sufficient to ensure genuine competition. The Competitive Dialogue Procedure may continue until it can identify one or more solutions capable of meeting the council's needs.

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91. When the head of service declares that the dialogue is concluded she/he must inform each participant, and request that each participant submit a final Tender containing all elements required and necessary for the performance of the Contract.

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Negotiated procedure

92. The Negotiated Procedure may be used in limited circumstances and only where the EU Open, Restricted or Competitive Dialogue Procedure is not appropriate.

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93. This procedure applies when the head of service, with the approval of the strategic director, the Monitoring Officer and the Chief Finance (Section 151) Officer considers it appropriate to consult and negotiate with one or more potential service providers and specifies the conditions under which work, supplies/goods and services shall be provided.

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94. The head of service will publicise the council's intention to seek offers in relation to the Contract by sending a notice to OJEU inviting requests to be selected to negotiate. In certain limited circumstances the Negotiated Procedure may be used without prior publication of a contract notice.

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95. The Contract shall be advertised:

(a) on the council's website

(b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and

(c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and

(d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My Tenders, Contracts Finder, Constructionline.

(e) in the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) where appropriate or required by law.

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96. The notice will specify a time limit in which the contractor must return a request to be selected to negotiate and the head of service must send invitations in writing to all contractors selected to Tender. The invitation will include the Contract documentation.

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97. On receipt of expressions of interest the cabinet or a Committee shall select and invite a contractor to negotiate.

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Framework agreements

98. The term of an EU Framework Agreement must not exceed four years and, while an agreement may be entered into with one provider, where an agreement is concluded with several organisations, there must be at least three.

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99. Contracts based on Framework Agreements may be awarded by either:

(a) applying the terms set out in the Framework Agreement (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or

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(b) where the terms set out in the Framework Agreement are not precise enough or complete for the particular call-off, by holding a mini competition in accordance with the following procedure:

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(c) inviting the organisations within the Framework Agreement that are capable of executing the subject of the Contract to submit Tenders

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(d) fixing a time limit which is sufficiently long to allow Tenders for each specific Contract to be submitted, taking into account factors such as the complexity of the subject of the Contract.

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(e) awarding each Contract to the tenderer who has submitted the best Tender on the basis of the Award Criteria set out in the Tender documents of the Framework Agreement.

Standards and award criteria

100. The head of service shall ascertain the relevant British, European or international quality standards which apply to the subject matter of the Contract. The head of service shall include those standards which are necessary to describe the required quality. The head of legal and democratic services and the head of HR IT and customer services must be consulted if it is proposed to use standards other than British or where appropriate European quality standards.

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101. The head of service shall define Award Criteria that are appropriate to the Contract and designed to secure an outcome giving value for money for the council. The basic criteria shall be:

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(a) a lowest price provided the Tender/Quotation meets the specification and any stated minimum standards where payment is to be made by the council or

(b) Most Economically Advantageous Offer with at least 60% weighting on price and 40% on other relevant criteria as specified in the council's tender evaluation policy unless for a particular contract an exception to the weighting has been considered and agreed by the relevant head of service in consultation with the relevant cabinet member prior to invitations to quote/tender have been sought.

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If the latter criterion is adopted, it must be further defined by reference to sub-criteria which may refer only to relevant considerations. These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters. The head of service must record their justification for using the selected criteria

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102. Award Criteria must not include:

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(a) non-commercial considerations

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- (b) matters which discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement.

Invitations to tender

103. Invitations to tender shall:

- (a) include copies of all Contract documents;
- (b) give instructions to tenderers, including the latest day, time and place for the delivery of Tenders;
- (c) if the Tender is submitted in hardcopy, state that it must be submitted in the Tender envelope supplied by the council or in a packet marked in the same manner sealed and addressed to the Head of HR, IT, and Customer Services and bearing the words “Tender – Do Not Open” and the name of the project but with nothing on the envelope to identify the tenderer;
- (d) if the Tender is submitted electronically, state that it must be submitted to the council’s specified email address for Tenders and must include in the subject a specific key word relating to the Tender as notified in the Tender documentation.
- (e) state that the council shall not be bound to accept a late or any Tender.

104. The head of service may respond to requests from tenderers for supplementary information or clarification of Tender documentation provided that this does not provide a tenderer with a competitive advantage.

105. The head of service, in relation to Contract Procedure Rule 102 shall use discretion to send information to all tenderers to ensure that they are not disadvantaged.

Receipt and opening of tenders (including late tenders)

106. Tender envelopes received shall:-

- (a) not be opened on receipt (and if opened shall be reported to the Monitoring Officer);
- (b) be marked at the time of receipt or as soon as practical with the date and time of receipt and initials of the officer receiving the Tender;
- (c) be retained by the Head of HR, IT and Customer Services who shall be responsible for the Tenders until they are opened.

107. Tenders shall be opened at a meeting convened by the head of service and only in the presence of the following:

- (a) the head of service and / or a member of staff representing him / her;
- (b) a member of staff from HR, IT and Customer Services and
- (c) where available the relevant cabinet member.
- (d) an internal auditor

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108. Electronic Tenders shall be retained in a secure email account to which those named in (a),(b) and (c) above have no access and forwarded to those named in (a) and (b) immediately following the closing time and date of the Tender.

109. Tenders shall be recorded in the council's standard schedule of Tenders opened with the full names of the contractors tendering and the amounts of the Tenders submitted.

110. Any hard copy Tender not delivered to the council's offices by the due date and time for tendering or not received in the envelope supplied by the council or in a sealed packet marked in the same manner shall be returned promptly to the tenderer by the head of service. The Tender may be opened to ascertain the name of the tenderer, but no details of the Tender shall be disclosed.

111. Any Tender delivered electronically but after the due date and time for tendering shall be placed in the late Tenders folder and shall be returned promptly to the tenderer by the head of service.

112. In exceptional circumstances a strategic director in consultation with the Monitoring Officer and the Chief Finance (Section 151) Officer may decide to include and assess/evaluate a late Tender.

Alteration to the tender sum and post tender negotiations

113. Providing clarification of an invitation to Tender to potential or actual candidates or seeking clarification of a Tender, whether in writing or by way of a meeting, is permitted. However, discussions with tenderers after submission of a Tender and before the award of a Contract with a view to obtaining adjustments in price, delivery or content (i.e. post- Tender negotiations) must be the exception rather than the rule. In particular, they must not be conducted in an EU Procedure where this might distort competition, especially with regard to price.

114. If post-tender negotiations are necessary after a single-stage Tender or after the second stage of a two-stage Tender, then such negotiations shall only be undertaken with the tenderer who is identified as having submitted the best Tender and after all unsuccessful candidates have been informed.

115. During negotiations tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quantity included in the Tender documents. Officers appointed by the head of service to carry out post-tender negotiations must ensure that there are recorded minutes of all negotiation meetings and that both parties agree actions in writing.

116. The head of legal and democratic services together with the head of HR, IT and customer services must be consulted wherever it is proposed to enter into post-tender negotiation. Negotiations must be conducted by at least two officers or one officer with a consultant engaged by the council.

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117. Where post-tender negotiation results in a fundamental change to the specification (or Contract terms) the Contract must not be awarded but re-tendered.

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Acceptance of tenders

118. Before accepting any Tender, the head of service must consider whether the contractor seems sufficiently capable and financially sound to undertake the Contract.

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Up to £75,000

119. Where the Contract Value does not exceed £75,000 calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract documents) and does not relate to the disposal of land and property with an estimated value exceeding £10,000 (see Section H), the head of service shall have authority to accept the Tender which is the lowest where payment is to be made by the council or highest where payment is to be received by the council or is the Most Economically Advantageous Offer provided that the following conditions are met:

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(a) no fewer than three valid Tenders were submitted. If fewer than three valid Tenders were submitted in response to the invitation, the head of service in consultation with the cabinet member may decide to include and assess/evaluate the Tender.

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(b) the amount of the Tender does not exceed by 10 per cent or £10,000, whichever is the less, the estimated Tender sum for the scheme where one exists, and does not exceed the overall budget provision available. If the amount of the Tender exceeds the above limits, the head of service shall either re-Tender the Contract or seek instructions from the cabinet or a committee.

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(c) there have been no post Tender negotiations. Acceptance of tenders following post Tender negotiations is dealt with in Contract Procedure Rule 120.

(d) unless otherwise approved by the strategic director, any Government consents, planning and financial approvals have already been granted.

(e) where no specific sum has been agreed by the council the cabinet or a Committee, subject to consultation with the strategic director and the cabinet member where the Contract Value exceeds £10,000.

120. Where a head of service considers that a Tender should be accepted other than the lowest, where payment is to be made by the council or highest, where payment is to be received by the council or not the Most Economically Advantageous Offer authority must be sought to accept an alternative Tender from the cabinet or a committee.

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Between £75,001 and EU Threshold

121. Where the Contract Value calculated over the lifetime or term of the contract (including any provision for extension of the term specified in the contract

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documents) exceeds £75,000 but does not exceed the EU Threshold the Tender shall be referred to the cabinet member or a Committee for acceptance with full details of the evaluation procedure, unless acceptance in an alternative manner is authorised in advance.

Above EU threshold

122. Where the Contract Value exceeds the EU Threshold the Tender shall be referred to cabinet or a Committee for acceptance with full details of the evaluation procedure, unless acceptance in an alternative manner is authorised in advance.

123. Officers may take a report to cabinet at the start of the procurement in order to:

- (a) authorise the procurement
- (b) authorise the head of service in consultation with the cabinet member to accept a tender in accordance with the evaluation criteria stated in the Invitation to Tender

Post tender Clarification

124. Tender sums revised following post Tender clarification may be accepted as follows:

Up to £75,000	by the strategic director, in consultation with the cabinet member.
£75,001 to EU Threshold	by the cabinet member or a committee.
Over EU Threshold	by the cabinet or a committee.

Tender records and registers

125. A written record shall be kept of all invitations and acceptance of Tenders.

126. A record shall be kept of the receipt and opening of Tenders.

127. The Head of HR, IT and Customer Services shall keep a Tenders register which every councillor may inspect at any reasonable time.

SECTION H - LAND

128. Contracts Procedure Rules apply to Land Disposals and Land Acquisitions except those:

- (a)** under a statutory obligation;
- (b)** where a tenant has a right to renew a lease;
- (c)** under a confirmed compulsory purchase order;

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(d) under a scheme for the disposal of more than one piece of land or more than one building which has been previously approved by the council.

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129. Disposals of surplus land and property with an estimated value of up to £10,000 can be authorised by a head of service. Consultation evidenced in writing with the cabinet member is required for disposals of land and property with a book value between £5,000 and £10,000. Above that value disposals must be authorised by the cabinet member as a formal delegated decision up to a book value of £50,000 and by cabinet if the value exceeds £50,000. Before deciding whether to dispose of land or property the head of service or cabinet shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value.

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130. Unless otherwise agreed by the Chief Finance (Section 151) Officer and the Monitoring Officer all disposals with an estimated value over £5,000 shall be by way of a competitive Tender process with bids invited from as many interested parties as is commensurate with the estimated value and intended use.

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131. If land is sold by Tender, the procedures in Section G shall apply.

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132. For all disposals, a qualified valuer must provide an initial written valuation. If the likely value exceeds £100,000 then this must be supplemented by a second external valuation.

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133. All disposals shall be on the best financial terms unless otherwise agreed by the Chief Finance (Section 151) Officer in consultation with the cabinet member. Except where a general consent exists specific consent shall be obtained from the Secretary of State prior to an interest in land or property being disposed of for a price less than the reasonable market consideration.

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134. Heads of Service may enter into negotiations for Land Disposals and Land Acquisitions provided that:

(a) all necessary consents, budgetary approvals and cabinet, Committee and Council decisions are obtained and Financial Procedure Rules complied with before the council is legally committed; and

(b) any procedures adopted by the council for the disposal of Council-owned land are followed.

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135. No officer shall allow a party to take up occupancy of Council-owned land until a transfer, lease, licence or other suitable document approved by the head of legal and democratic services has been completed.

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SECTION I - SURPLUS GOODS

136. Heads of service shall follow the requirements of these Contracts Procedure Rules to obtain Quotations or Tenders and of Financial Procedure Rules when disposing of any surplus goods or obsolete items of stock or stores or items on an inventory.

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SECTION J - EXCEPTIONS

General

137. A Contract may be approved by or on behalf of the council without seeking Quotations or Tenders if there are special circumstances justifying an exception. There can be no exception if the EU Procedure applies.

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Records of exceptions

138. The head of service shall keep a record of every exception and the reasons for it.

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139. Tenders or Quotations need not be invited in the following circumstances:

Emergencies disasters and immediate action

140. If immediate action is necessary to let a Contract to prevent significant loss to the council or danger, injury or serious hardship to persons in the council's area, the best practicable means of obtaining value for money in the selection of the contractor shall be used, using an Approved List wherever practical. If the Contract Value exceeds £10,000, the relevant cabinet member shall be consulted.

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Negotiations with an existing contractor

141. If, after a Contract has been let, circumstances arise which were not foreseen when the original Tenders or Quotations were invited, variations to, extension of or a further Contract with the original contractor may be made provided that:

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- (a) it is permitted by law;
- (b) the terms and conditions of the original Contract apply;
- (c) the total value of the addition or modification does not exceed 25% of the original Contract Sum unless the strategic director in consultation with the relevant cabinet member is satisfied that value for money will be achieved;
- (d) the variation follows any method of variation specified in the original Contract;
- (e) if the value of the variation exceeds £75,000, the relevant cabinet member shall be consulted;
- (f) the cost is within the budget provision;
- (g) any changes to the Contract period are agreed with relevant head of service, head of legal and democratic services and recorded in the contracts register.

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Proprietary articles

142. If supplies/goods, materials or services are proprietary articles, are sold by a single supplier or their prices are wholly controlled by Government Order or in the case of repairs to or the supply of parts of existing proprietary articles, Tenders or Quotations need not be invited if no reasonably satisfactory alternative is available.

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Specialist contracts

143. If the supplies/goods, services or works are of such a specialist nature that Quotations or Tenders cannot be obtained or can only be obtained from fewer contractors than normally required by Contracts Procedure Rules or, can only be purchased under a trade name or description or, in the case of professional services, e.g. the use of barristers or external solicitors where a particular individual or firm has specialist expertise in the field and the head of service is satisfied that value for money will be provided in all the circumstances.

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Local authorities and statutory undertakers

144. If the services are to be provided by another local authority, by a statutory undertaker or by a supplier of gas, electricity or water services.

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Consortium

145. If Tenders have been invited by a consortium, collaboration or similar body of which the council is a member, the council may follow that body's procedures or the procedures set out in these Contracts Procedure Rules. Also, the council may access Government catalogue-based procurement schemes, e.g. Office of Government Commerce buying solutions agreements under Customer Access Agreements subject to compliance with the contract financial limits and reporting requirements of these Contracts Procedure Rules and the requirement to secure the Most Economically Advantageous Offer for the council.

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Agency arrangements

146. The council is acting as agent for another local authority and that authority specifies the use of alternative procedures or has chosen the contractor using its own selection procedures.

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Exceptions authorised by the cabinet or committee

147. If any other exceptions are specifically authorised by the cabinet or a Committee.

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SECTION K - APPROVED LISTS – COMPILATION AND MAINTENANCE

- 148.** Heads of Service may compile Approved Lists for use in relation to future Contracts for works, supplies/goods and services (including consultancy).
- 149.** Approved Lists shall be available for corporate use.
- 150.** Approved Lists shall be compiled following advertisement in:
- (a) on the council's website
 - (b) in a local newspaper, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
 - (c) in an appropriate professional or trade journal, unless the head of service is satisfied that this would not provide additional competition and is not required by law; and
 - (d) on appropriate portal websites specifically created for public contract advertisements e.g. the South East Improvement and Efficiency Business Portal, My Tenders, Contracts Finder, Constructionline; and
 - (e) in the Official Journal of the European Union (OJEU)/Tenders Electronic Daily (TED) where appropriate or required by law.
- 151.** A minimum period of four weeks shall be given to respond to the advertisement.
- 152.** All contractors responding to the advertisement shall be invited to complete an application form, including where appropriate, a pre-qualification questionnaire, to provide the basis for inclusion on the Approved List.
- 153.** Approved Lists shall be compiled on the basis of categories of works, supplies/goods or services and appropriate maximum Contract Values shall be applied to individual contractors.
- 154.** The minimum number of contractors on an Approved List shall be six.
- 155.** Approved Lists shall be submitted to the cabinet or a Committee for approval.
- 156.** Approved Lists shall be reviewed at least every five years.
- 157.** Heads of Service may add contractors to an existing Approved List subject to suitability following assessment and evaluation.
- 158.** Contractors on Approved Lists shall be required to advise the council of any changes in circumstances relevant to their inclusion.
- 159.** Heads of service shall have discretion to remove contractors from an Approved List because of changes in circumstances or poor performance.
- 160.** Strategic directors shall provide an appeals procedure for contractors refused admission or excluded from an Approved List.

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SECTION L - CONTRACT MANAGEMENT

Managing contracts

161. Heads of Service shall name Contract managers for all Contracts for the entirety of the Contract period. Contract managers shall follow the contract management requirements agreed in the Contract and information available on the procurement intranet.

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Contract monitoring, evaluation and review

162. All contracts which have a value higher than the EU Threshold limits, or which are considered high risk, shall be subject to monthly formal review with the contractor. The review may be conducted quarterly if permitted by the head of service and strategic director.

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163. For all Contracts with a value higher than the EU Threshold limits, or which are high risk, an annual report shall be submitted to the Scrutiny Committee.

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Appendix a
Application of contracts procedure rules requirements

Contract Value	One Written Quotation	Three Written Quotations	Tenders	Tenders Opened by officers	Tenders Opened by cabinet member	Acceptance of Tenders by officers	Acceptance of Tenders by relevant cabinet/member or Committee	Order / Contract Signed by head of service	Contract Approved and Sealed by HLDS	Bond Required
Up to £10,000	Yes	Optional	No	N/A	N/A	N/A	N/A	Yes	Optional	N/A
£10,001 - £75,000	No	Yes	Optional	Yes	Yes	If within Budget	If exceeds Budget	Yes	Optional	N/A
£75,001 - EUT	No	No	Yes	Yes	Yes	No	Cabinet member	No	Yes	Risk Assessment must be carried out
Over EUT	No	No	Yes/EU	Yes	Yes	No	Cabinet or committee	No	Yes	Risk Assessment must be carried out

Officer employment procedure rules

RECRUITMENT AND APPOINTMENT

1. Declarations

(a) The council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the council; or of the partner of such persons.

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(b) No candidate so related to a councillor or an officer will be appointed without the authority of the relevant strategic director or an officer nominated by him/her.

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2. Seeking support for appointment.

(a) The council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the council. The content of this paragraph will be included in any recruitment information.

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(b) Subject to paragraph (c), no councillor will seek support for any person for any appointment with the council.

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(c) Nothing in paragraphs (a) and (b) above will preclude a councillor from giving a written reference for a candidate for submission with an application.

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Recruitment of head of paid service and strategic directors

3. Where the council proposes to appoint the head of paid service or a strategic director the council will:

(a) draw up a statement specifying:

- (i) the duties of the officer concerned; and
- (ii) any qualifications or qualities to be sought in the person to be appointed;

(b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and.

(c) make arrangements for a copy of the statement mentioned in paragraph (1)

- (a) to be sent to any person on request.

Appointment and dismissal of head of paid service and strategic directors

4. The full Council will approve the appointment or dismissal of the head of paid service and strategic directors following the recommendation of such an appointment or dismissal by a committee or sub-committee of the council. That committee or sub-committee must include at least one member of the cabinet. No offer of appointment may be made, or notice of dismissal given, until the council has approved any recommendation to that effect.
5. The full Council (the appointor) may not make or approve the appointment of the head of paid service or a strategic director until:
 - (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person to whom the appointor wishes to make the offer;
 - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer; and
 - (iii) the period within which any objection to the making of the offer is to be made by the leader of the council on behalf of the cabinet to the proper officer; and
 - (c) either:
 - (i) the leader of the council has, within the period specified in the notice under paragraph (5)(b) above notified the appointor that neither he/she nor any other member of the cabinet has any objection to the making of the offer;
 - (ii) the proper officer has notified the appointor that no objection was received by him/her within that period from the leader of the council; or
 - (iii) the appointor is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.
6. The full Council (the dismissor) may not give notice of the dismissal of the head of paid service or a strategic director until:
 - (a) the dismissor has notified the proper officer of the name of the person whom the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - (b) the proper officer has notified every member of the cabinet of:
 - (i) the name of the person who the dismissor wishes to dismiss;
 - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
 - (iii) the period within which any objection to the dismissal is to be made by the leader of the council on behalf of the cabinet to the proper officer; and

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(c) either:

- the leader of the council has, within the period specified in the notice under paragraph (6)(b) above notified the dismissor that neither he/she nor any other member of the cabinet has any objection to the dismissal;
- the proper officer has notified the dismissor that no objection was received by him/her within that period from the leader of the council; or
- the dismissor is satisfied that any objection received from the leader of the council within that period is not material or is not well founded.

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APPOINTMENT AND DISMISSAL OF, AND DISCIPLINARY ACTION AGAINST, OFFICERS BELOW DIRECTOR

7. **Officers below director.** The appointment and dismissal of, and disciplinary action against, officers below director (other than assistants to political groups) is the responsibility of the head of paid service or his/her nominee, and may not be made by councillors.
8. **Assistants to political groups.** The appointment of an assistant to a political group, as defined in the Local Government and Housing Act 1989, shall be made in accordance with the wishes of that political group.

Disciplinary action

9. No disciplinary action in respect of the head of paid service, the monitoring officer, or the chief finance (section 151) officer, except action described in paragraph (b) may be taken by the authority, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct.)
10. The action mentioned in paragraph 9 is the suspension of the officer for the purpose of investigating the alleged misconduct occasioning the action; and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.
11. Councillors will not be involved in disciplinary action against any officer below strategic director.

Dismissal

12. Councillors will not be involved in the dismissal of any officer below strategic director.

Community investment fund grant policy and procedure rules

INTRODUCTION

1. The council has a corporate objective to support local communities and their representative bodies to create opportunities to localise service delivery. It aims to offer grants to voluntary and community organisations who are delivering projects and services that support its own objectives or of those in need.
2. The Community Investment Fund grant scheme is funded on an annual basis from interest earned on investments. The council considers the amount to be made available to the grant scheme at its annual budget setting meeting based on investment income earned in the previous financial year.
3. The scheme is split into two parts; one for awards of over £15,000 and one for smaller awards of under £15,000.
4. The scoring criteria and policy and procedure rules will be determined from time to time by the cabinet. Details of the application procedure will be included in the application forms held by the head of corporate strategy.

What type of project will the scheme fund?

5. The council seeks to support a variety of community initiatives. Applications for funding towards a wide variety of different community projects can be made. Only capital expenditure, such as spending on buildings, extensions or equipment will be considered under this scheme. Repairs and maintenance work does not fall within capital expenditure. Applications for revenue funding to cover such things as salary costs, heating or rent will not be considered under this scheme. Retrospective projects will not be considered unless exceptional circumstances can be shown.

Who can apply to the scheme?

6. Any constituted community-based organisation, including parish and town councils, may apply. The council will not fund public sector bodies, such as Oxfordshire County Council or Primary Care Trusts. Because education is a function of Oxfordshire County Council, we will not accept applications from schools. Businesses and individuals are not eligible to apply for a grant.
7. The council is committed to promoting equality and diversity and welcomes applications from all sectors of the community, regardless of race, gender, disability, sexual orientation, age, status, religion or belief.

What is the maximum award from the scheme?

COMMUNITY INVESTMENT FUND – OVER £15,000 SCHEME

8. The maximum award from the over £15,000 scheme is £100,000 (or 60 per cent of the total project cost). All grants awarded will be based on a percentage of the total project cost.

COMMUNITY INVESTMENT FUND – UNDER £15,000 SCHEME

9. The maximum award from the under £15,000 scheme is £14,999 (or 60 per cent of the total project cost). The total project cost must be less than £50,000 (excluding VAT). All grants awarded will be based on a percentage of the total project cost.

Scheme eligibility criteria

10. Applications will only be considered if organisations/projects meet the following eligibility criteria:
- (a) are a properly constituted charitable or non profit making organisation
 - (b) has secured all appropriate planning and listed building consents
 - (c) provides two years audited accounts (six months of bank statements for new organisations)
 - (d) provides a minimum of two quotations for all work, equipment and fees relating to the project
 - (e) provides an access audit (if the request for a grant award is towards building work to enhance an existing facility)
 - (f) the project has not commenced
 - (g) the organisation has not received a CIF grant in the previous two years
 - (h) the organisation either owns or has a lease on the land or property for a minimum of 10 years at the date the application is made (where relevant)

Decision making

UNDER £15,000 SCHEME

11. The relevant cabinet member will make decisions on awards for grants from the Community Investment Fund of between £5,000 and £15,000. These decisions will be published as individual cabinet member decisions.
12. The head of corporate strategy will make decisions on awards for grants from the Community Investment Fund of between £1 and up to a maximum of £4,999 in consultation with the relevant cabinet member. These decisions will be published to all councillors.
13. If any officer of the council has a pecuniary interest in any application being determined under this scheme the decision will be referred to a strategic director or the chief executive.

OVER £15,000 SCHEME

14. The relevant cabinet member will make decisions on applications for grants from the Community Investment Fund in consultation with the Community Investment Fund Panel (CIFP), as delegated to them by cabinet on 14 February 2011. If, for any reason, the cabinet member does not agree with the CIFP then the decision will be referred to full cabinet for consideration.

Community Investment Fund Grants Panel (CIFP)

15. The council will appoint a CIFP of a maximum of twelve councillors, (accommodating up to three vacancies) and in accordance with the political balance of the Council to consider the applications received. No member of the cabinet shall be a member of the CIFP. CIFP members must attend all meetings to be eligible to vote on any application in order to make recommendations from the CIFP to the relevant cabinet member.

16. The CIFP will visit each site that is subject of an application to the scheme.

17. The CIFP will consider a detailed evaluation report and receive a presentation from officers including a recommendation on the scores, based on the approved scoring criteria (appendix 1) for each application to the scheme.

18. CIFP members will not be able to vote on applications within their own ward, but will be able to make representation on applications in their own ward.

19. The CIFP will determine the final score for each application using the approved scoring criteria attached at appendix 1.

20. The CIFP will decide a 'cut off' score and any applications scoring less than the 'cut off' score will receive no award.

21. The CIFP will determine the award amounts to those applications scoring above the 'cut off' score appropriate to the budget available.

22. The CIFP will consider its advice to the relevant cabinet member in relation to the applications that have been submitted, including whether an application should not receive an award for any of the following reasons:

- (a) there is serious concern as to the managerial capability of the applicant;
- (b) the applicant has sufficient reserves to fund the project themselves
- (c) there is serious concern as to the financial viability of a proposed project;
- (d) there is uncertainty as to whether the proposed project complies with the grant awarding criteria

23. The relevant cabinet member will determine the applications in the light of the above advice.

24. Applications will normally be considered in June each year (unless an election has taken place when it will be September).

PROCEDURE AT MEETINGS OF THE CIFP

25. Meetings of the CIFP will be conducted in accordance with the Rules of Procedure set out in Parts 4 and 5 of the Council's Constitution.

DECLARATION OF INTERESTS

26. Declarations of interests by councillors and officers will be conducted in accordance with the Rules of Procedure set out in Parts 4 and 5 of the Council's Constitution.

27. If any officer of the council has a pecuniary interest in any application being determined under this scheme they will take no part in the CIFP process and register their interest as required by the employee's code of conduct policy.

STANDARD CONDITIONS OF ALL GRANT AWARDS

28. Grants will not be payable towards any costs incurred before the grant award decision date.

29. Projects must commence within one year of the date of the grant being awarded.

30. Evidence that all funding is in place to complete the project must be provided to the grants team prior to commencement of work and the release of any part of the grant award.

31. Council staff must be allowed to enter and inspect the work being carried out, by arrangement, subject to them abiding to any necessary health and safety requirements.

32. Requests for information to assist us in monitoring the success of your project must be supplied to the grants team as required.

33. A plaque, supplied by the council, must be displayed in a prominent position to acknowledge grant awards of over £5,000.

Scoring criteria

ASSESSMENT METHODOLOGY FOR CAPITAL GRANT APPLICATIONS

1. The council has a corporate objective to support local communities and their representative bodies to create opportunities to localise service delivery. It aims to offer grants to voluntary and community organisations who are delivering projects and services that support our own objectives or of those identified as being in need. All applications will be assessed using the scoring system shown below.

LOCAL ISSUES

UP TO 80 POINTS

2. Scores of up to 20 points are available for each of the four categories shown below:

<p>Broadening the range</p>	<p>Is this more of the same or will the project enable new activities to take place?</p> <p>This will involve an assessment of the added value that the proposal brings. To score points a project must include evidence to show that a wider range of people will use the facility.</p>
<p>Community participation</p>	<p>To what extent has the relevant community been consulted and participated in putting the proposal together? Is the project identified in a local parish plan?</p> <p>A community need does not have to be geographically based and participation is not a headcount – the relevant community will vary in size dependent upon the project being proposed.</p>
<p>Meeting a local need</p>	<p>How well is this evidenced/detailed?</p> <p>Need and demand are different - this is about a proven lack of something that the project provides.</p>
<p>Community benefit</p>	<p>Who will benefit? This will go beyond a simple number count, to take account of the imbalance in size between different communities.</p> <p>Community benefit also includes wider social, economic and environmental benefits that contribute to the achievement of sustainable development and energy saving in the district.</p>

VIABILITY OF PROJECT**UP TO 60 POINTS**

Scores of up to 60 points are available dependent on the viability of the project.

Viability	<p>Is the project reasonable and appropriate for the area? Does the project deliver best value for money? Is the project likely to secure full funding and progress within 12 months? Will the organisation be able to manage the project now and in the future?</p>
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FINANCE**UP TO 15 POINTS**

Scores of up to 15 points are available dependent on the percentage of the project costs requested:

Up to 20 per cent of the project costs	15 points
21 – 40 per cent of the project costs	10 points
41 – 60 per cent of the project costs	5 points

SUMMARY OF SCORING SYSTEM

The maximum score is 155 made up as follows:

Assessment factor	Maximum points available
Local issues	80
Viability	60
Finance	15
Total	155

SUMMARY OF SCORING SYSTEM FOR UNDER £15,000 CAPITAL GRANT SCHEME

Applications to the under £15,000 capital grant scheme will be determined as detailed in the Community Investment Fund Policy and Procedure Rules and scored as follows:

Total points score	Award (subject to budget availability)
120 - 155	100 per cent of requested amount
91 - 119	80 per cent of requested amount
90 or less	No award

PART 5: CODES AND PROTOCOLS

Councillors' code of conduct

Code of conduct

1. This code of conduct is adopted pursuant to the council's duty to promote and maintain high standards of conduct by members and co-opted members¹ of the council.

2. This code applies to you as a member or co-opted member of this council when you act in that role and it is your responsibility to comply with the provisions of this code.

SELFLESSNESS

3. You must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself.

OBJECTIVITY

4. In carrying out public business you must make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

ACCOUNTABILITY

5. You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.

OPENNESS

6. You must be as open as possible about your actions and those of your council, and must be prepared to give reasons for those actions.

HONESTY AND INTEGRITY

7. You must not place yourself in situations where your honesty and integrity may be questioned, must not behave improperly and must on all occasions avoid the appearance of such behaviour.

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¹ A "co-opted member" for the purpose of this code is, as defined in the Localism Act section 27 (4) "a person who is not a member of the council but who

a) is a member of any committee or sub-committee of the council, or

b) is a member of, and represents the council on, any joint committee or joint sub-committee of the council;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

LEADERSHIP

8. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example in a way that secures or preserves public confidence.

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GENERAL OBLIGATIONS

9. You must treat others with respect and ensure that you are aware of and comply with all legal obligations that apply to you as a member or co-opted member of the council and act within the law;

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10. You must not bully any person.

11. You must not do anything that compromises or is likely to compromise the impartiality of those who work for, or on behalf of the council.

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12. You must not disclose information given to you in confidence by anyone, or information acquired by you of which you are aware, or ought reasonably to be aware, is of a confidential nature except where:

(i) you have the consent of a person authorised to give it;

(ii) you are required by law to do so;

(iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person, or

(iv) the disclosure is:

a) reasonable and in the public interest;

b) made in good faith and in compliance with the reasonable requirements of the council.

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13. You must not improperly use knowledge gained solely as a result of your role as a member for your own personal advantage.

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14. When making decisions on behalf of or as part of the council you must have regard to any professional advice provided to you by the council's officers.

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15. When using or authorising the use by others of the resources of the council:

(i) you must act in accordance with the council's reasonable requirements;

(ii) you must make sure that you do not use resources improperly for political purposes and do not use them at all for party political purposes.

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REGISTERING AND DECLARING INTERESTS

16. You must, within 28 days of taking office as a member or co-opted member, notify the council'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.

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17. You must disclose the interest at any meeting of the council at which you are present, where you have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'².

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18. Following any disclosure of an interest not on the council'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.

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19. 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. You must withdraw from the room or chamber when the meeting discusses and votes on the matter.

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² A "sensitive interest" is described in the Localism Act 2011 as a member or co-opted member of a council having an interest, and the nature of the interest being such that the member or co-opted member, and the council's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Councillors' planning code of good practice

BACKGROUND

1. This code of good practice has been prepared in response to the Local Government Association's guidance note on the preparation of local codes of good practice on planning matters in the light of the introduction of the new ethical framework and in consultation with the district audit service, Local Government Ombudsman and [the former](#) Standards for England.

INTRODUCTION

2. **The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.
3. **The key purpose of planning:** to control development in the public interest.
4. **Your role as a member of the planning authority:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
5. **When the code of good practice applies:** this code applies to councillors at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the council in exercising the functions of the planning authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies equally to planning enforcement matters or site specific policy issues and to planning applications.

If you have any doubts about the application of this code to your own circumstances you should seek advice early, from the monitoring officer or one of his or her staff, and preferably well before any meeting takes place.

RELATIONSHIP TO THE COUNCILLORS' CODE OF CONDUCT

6. **Do** apply the rules in the councillors' code of conduct first, which must always be complied with.
7. **Do** then apply the rules in this planning code of good practice, which seek to explain and supplement the councillors' code of conduct for the purposes of planning control. If you do not abide by this code of good practice, you may put:
 - a. the council at risk of proceedings on the legality or maladministration of the related decision; and

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b. yourself at risk of being the subject of a complaint made to the monitoring officer.

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DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE COUNCILLORS' CODE

8. **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other councillors. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (Use the disclosure form provided for disclosing interests.)

9. **Do** then act accordingly. **Where you have a disclosable pecuniary interest:**

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Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.

(a) **Don't** try to represent ward views, get another ward/local councillor to do so instead.

(b) **Don't** get involved in the processing of the application.

(c) **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable pecuniary interest in a proposal, using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

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(d) **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer, in person or in writing or at the meeting, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a disclosable pecuniary interest in a proposal to be put before a meeting, after you have addressed the meeting you will have to withdraw from the room or chamber whilst the meeting considers it, whereas an ordinary member of the public would be able to make use of the public speaking scheme to address the meeting on the proposal and observe the meeting's consideration of it from the public seating area.)

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(e) **Do** notify the monitoring officer in writing of your own interest and note that:

i. notification to the monitoring officer should be made no later than submission of the application;

ii. the proposal will always be reported to the committee as a main item and not dealt with by officers under delegated powers; and

iii. it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

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FETTERING DISCRETION IN THE PLANNING PROCESS

10. **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.
11. **Fettering your discretion** in this way and then taking part in the decision will put the council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- (a) **Do** be aware that you are likely to have fettered your discretion where the council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
- (b) **Do** also be aware that, whilst the councillors' code of conduct provides for a presumption that you may regard yourself as not having a [disclosable pecuniary interest](#) in matters which relate to the organisations mentioned below, you must exercise your discretion in deciding whether or not to participate in each case and where:
- (i) you have been significantly involved in the preparation, submission or advocacy of a planning proposal on behalf of:
- another local or public authority of which you are a member; or
 - a body to which you have been appointed or nominated by the council as its representative; or
- (ii) you are a trustee or company director of the body submitting the proposal and were appointed by the council you should always disclose a [disclosable pecuniary interest](#) and withdraw.
- (c) **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
- (i) the proposal does not substantially affect the well being or financial standing of the consultee body;
- (ii) you make it clear to the consultee body that:

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- (iii) your views are expressed on the limited information before you only;
- (iv) you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the committee and you hear all of the relevant information; and
- (v) you will not in any way commit yourself as to how you or others may vote when the proposal comes before the committee; and

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(d) **Don't** speak and vote on a proposal where you have fettered your discretion. You do not also have to withdraw from the meeting room, but you should not remain at the table with other voting members of the committee.

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(e) **Do** explain that you do not intend to take part in the debate and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. *(Use the disclosure form provided for disclosing interests.)*

(f) **Do** take the opportunity to exercise your separate speaking rights as a ward councillor as set out in the council's Constitution where you have represented your views or those of local electors and fettered your discretion, but do not have a **disclosable pecuniary interest**. Where you do **wish to exercise your speaking rights**:

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- advise the proper officer or Chairman that you wish to speak in this capacity before commencement of the meeting;
- sit in the public seating area when not addressing the committee and do not sit with voting members of the committee
- ensure that your actions are recorded.

CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS

12. **Do** refer those who approach you for planning, procedural or technical advice to officers.

13. **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the head of planning and building control to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the committee.

14. **Do** otherwise:

- (a) follow the rules on lobbying;

-
- (b) consider whether or not it would be prudent in the circumstances to make notes when contacted; and
 - (c) report to the head of planning and building control any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

15. In addition in respect of presentations by applicants/developers:

- (a) **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers.
- (b) **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- (c) **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate committee of the planning authority.
- (d) **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other councillors might vote.

LOBBYING OF COUNCILLORS

- 16. **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 17. **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 18. **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £25 in accordance with the councillors' code of conduct set out in the Constitution.
- 19. **Do** copy or pass on any lobbying correspondence you receive to the head of planning and building control at the earliest opportunity.
- 20. **Do** promptly refer to the head of planning any offers made to you of planning gain or constraint of development, through a proposed s.106 planning obligation or otherwise.
- 21. **Do** inform the monitoring officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

22. **Do** note that, unless you have a **disclosable pecuniary interest**, you will not have fettered your discretion or breached this planning code of good practice through:

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- (a) listening or receiving viewpoints from residents or other interested parties;
- (b) making comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
- (c) seeking information through appropriate channels; or
- (d) being a vehicle for the expression of opinion or speaking at the meeting as a ward councillor, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

LOBBYING BY COUNCILLORS

23. **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are **may** have **to** withdraw.

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24. **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but **where** that organisation has made representations on a particular proposal **make it clear** to that organisation and the committee that you have reserved judgement and the independence to make up your own mind on each separate proposal

25. **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken

26. **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other councillor to do so. Political group meetings should never dictate how councillors should vote on a planning issue.

SITE VISITS

27. **Do** try to attend site visits organised by the council where possible.

28. **Do** vote for a site visit to take place only if you intend to attend.

29. **Do** provide planning reasons to justify the need for a site visit.

30. **Don't** request a site visit unless you feel it is strictly necessary because:

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- (a) particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
 - (b) there are significant policy or precedent implications and specific site factors need to be carefully addressed.

- 31. **Do** ensure that any information which you gained from the site visit is reported back to the committee, so that all councillors have the same information.
- 32. **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- 33. **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 34. **Don't** hear representations from any other party, with the exception of the ward councillor(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- 35. **Don't** express opinions or views to anyone.
- 36. **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
 - (a) you feel it is essential for you to visit the site other than through attending the official site visit,
 - (b) you have first spoken to the head of planning and building control about
 - (c) your intention to do so and why (which will be recorded on the file) and
 - (d) you can ensure you will comply with these good practice rules on site visits.

PUBLIC SPEAKING AT MEETINGS

- 37. **Don't** allow members of the public to communicate with you during the committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- 38. **Do** ensure that you comply with the council's procedures in respect of public speaking.

OFFICERS

- 39. **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the case officer, which may be incorporated into any committee report).
- 40. **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a head of service or those

officers who are authorised by their head of service to deal with the proposal at a councillor level.

41. **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with their professional codes of conduct, primarily the Royal Town Planning Institute's code of professional conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.

DECISION MAKING

42. **Do** ensure that, if you request a proposal to go before the committee rather than be determined through officer delegation, your planning reasons are recorded and repeated in the report to the committee.
43. **Do** come to meetings with an open mind and demonstrate that you are open-minded.
44. **Do** comply with section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the development plan unless material considerations indicate otherwise.
45. **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, seek to have the application deferred or refused.
46. **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
47. **Don't** take part in the meeting's discussion or voting on a proposal if the application site is located in your ward (you may address the committee as ward councillor).
48. **Do** have recorded the reasons for committee's decision to defer any proposal.
49. **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons and supporting policy leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

TRAINING

50. **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the council.

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51. **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, codes of practice and the development plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
52. **Do** participate in the annual review of a sample of planning decisions to ensure that councillors' judgements have been based on proper planning considerations.

Departure procedure on planning applications

Stage 1

1. During the registration of a planning application, or as soon as possible thereafter, the head of planning will identify whether the proposals constitute a departure from the development plan that needs to be publicised by the display of a site notice and advertisement in a local newspaper. The County Council will be consulted in accordance with the agreed code of conduct.

Stage 2

2. Unless the application is determined in accordance with the powers delegated to officers, the application will be reported to the planning committee.
 - (i) If the application is recommended for approval, the report will identify that the proposal has been advertised as a departure from the development plan.
 - (ii) If the application is recommended for refusal, the report will contain the recommended reasons for refusal, including reference to any planning policies with which the proposal is considered to conflict.

Stage 3

3. The head of planning will advise whether the application is to be referred to the Secretary of State for the Environment in accordance with legislation.
4. If the planning committee resolves to grant planning permission, including any appropriate conditions and/or planning obligation, subject to the Secretary of State deciding not to intervene, and if the Secretary of State subsequently does not intervene, the application will be determined in accordance with the planning committee's resolution.

Officers' code of conduct

INTRODUCTION

1. The council is a public body whose members are directly elected by the voters of South Oxfordshire, and which spends money raised from the public in the form of rates, taxes and charges.
2. It is essential that the public can be assured that at all times the conduct of the Council's officers is proper. Any suspicion of impropriety, even if unfounded, can damage the reputation and work not only of the officer concerned, but also his or her team and the council as a whole.

CONTENTS

3. The contents include:
 - your conditions covering conduct;
 - whole time service;
 - unacceptable business or private activities;
 - officers and councillors;
 - interest in contracts;
 - inducements or rewards;
 - equal opportunities;
 - data protection;
 - disciplinary rules.

YOUR CONDITIONS COVERING CONDUCT

4. These conditions contain the primary requirements governing your conduct. They generally follow previous conditions contained in national agreements, and will be revised on the introduction of a new national code of conduct.
5. The general conditions are set out below

a. The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives.

b. An officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict. The employing authority should not attempt to preclude officers from undertaking additional employment, but any such employment must not, in the view of the authority, conflict with or react detrimentally to the authority's interests, or in any way weaken public confidence in the conduct of the authority's business.

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6. You are particularly asked to note the last part of paragraph (b) above. Whilst you may not be an officer mentioned in the section below dealing with whole time service, nevertheless you should take no additional employment or undertake additional outside duties (even if unpaid) that might give the public reason to lack confidence in the conduct of the council's business.

Whole time service

7. Officers graded at G6 and above are covered by the following:-

Officers graded at grade 6 and above shall devote their whole-time service to the work of the council and shall not engage in any other business or take up any other additional appointment without the express consent of the council.

8. The council will treat any information provided under the above condition in the strictest confidence.
9. Should you be covered by the above requirement, and wish to engage in another business or take up an additional appointment you should first consult your head of service or other suitable officer authorised to act on his or her behalf. The head of service or authorised officer will consult the chief executive about the matter if required. At some point you may wish to put the request to your head of service in writing.
10. However until the matter is processed, you should not enter into any external commitment until you have received written consent of the council by letter from your head of service. A copy of this letter will be placed on your personal file held in human resources.

UNACCEPTABLE BUSINESS OR PRIVATE ACTIVITIES

11. The council has a duty to clearly indicate those types of outside job, appointment, duty or other activity which in its view conflicts or reacts detrimentally to the authority's interests.
12. Whilst, in a document like this, it is impossible to necessarily list every eventuality, the paragraphs below explain certain areas where you should exercise great care.
13. The section on interests on contracts of this leaflet sets out the rules concerning an officer's interests in a contract. You should, therefore, be most careful if you intend to enter into any business either as proprietor, part proprietor or employee where that business is likely to regularly trade with the council either in the form of goods or services. If you are covered by the section on *whole time service* above, you are very unlikely to receive the consent of the council to engage in business where the nature of the business indicates that a conflict between the council's functions and your outside activity could easily arise.
14. Many employees have a "tradable" skill such as draughting ability a professional expertise which can be useful to members of the public or outside firms. There is

nothing harmful in helping friends or relatives by using these skills, or even selling this skill in your private time, so long as conflict with your Council duties does not arise.

15. Conflict can arise when, for example, an officer draws plans for a planning application that will later be submitted to the council for approval. Even if this is done for no charge, and there is no question of the planning applicant attempting to gain undue influence through using a member of the council's staff, it leads to suspicion that there may have been undue influence involved. You should not, therefore, be involved in such a planning application.
16. Generally staff employed below grade 6 are not precluded from holding office as clerks or other officers of town or parish councils. If you are holding a post at grade 6 or above, you must still obtain the consent of the council to hold such an office (see the section on *whole time service*).
17. You should not use Council equipment for any private business or gain, even if this use is confined to outside of office hours. Neither should you undertake a private business in the office.

OFFICERS AND COUNCILLORS

18. The protocol on member/officer relations states:-

- “2 Councillors are elected and represent their constituents.
- 3 Officers are employed by and serve the whole Council. They advise the council, its committees and the cabinet.
- 12 Close personal familiarity between individual councillors and officers can damage working relationships and prove embarrassing to other councillors and officer. There is danger of favouritism being shown to a particular councillor or officer. There may be a risk that confidential information will be passed to a councillor”

19. Whilst the above paragraphs are directed towards elected councillors, you are reminded particularly of the advice set out in 12. Whilst there is no reason, if you have frequent contact with elected councillors, why you should not have a friendly relationship, it should remain correct and businesslike. An attitude of personal familiarity can be destructive to the proper conduct of the council's business, and lead, however unjustifiably, to a charge of improper influence giving rise to a lack of confidence in the administration.
20. If you feel there is any conflict or problem concerning your relationship with a councillor or councillors, you should immediately consult your strategic director, head of service or line manager. Alternatively consult your trade union representative or a trusted colleague who may be able to steer you in the right direction. Do not allow any problem to continue for any length of time.

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21. Whatever action you take in such circumstances you are well advised to always consult the secretary of your trade union, and in any event you should always inform that trade union officer of the action which you propose to take.

INTEREST IN CONTRACTS

22. Previous national conditions provided for the following, which still apply to all officers of the council:-

If it comes to the knowledge of an officer that a contract in which he has any pecuniary interest, whether direct or indirect (not being a contract to which he is himself a party), has been, or is proposed to be, entered into by the authority, he shall, as soon as practicable, give notice in writing to the chief executive of the authority of the fact that he is interested therein. (Attention is drawn to the provisions of the Local Government Act, 1972 Sections 95 and 177).

23. Remember a pecuniary interest can occur if the interest in the contract is that of your spouse.

INDUCEMENTS OR REWARDS

24. Under Section 117 of the Local Government Act 1972 "an officer of a local authority shall not, under cover of his office or employment, accept any fee or reward whatsoever other than his proper remuneration".

25. You must treat with extreme caution any offer or gift, favour or hospitality made to you personally. The person or organisation making the offer may be doing or seeking to do business with the council, or be applying to the council for planning permission or some other kind of decision.

26. Working lunches and other social occasions arranged or authorised by the council or through your manager may, in certain circumstances, be a proper or legitimate way of doing business, provided that no extravagance is involved. Acceptance or provision of such hospitality, however, should only be done with the full and normally prior knowledge of your manager or a suitable officer authorised to act on his or her behalf. Nevertheless, it is recognised that such invitations can arise spontaneously, and in these circumstances you must exercise your judgement on the matter in the light of advice offered here.

27. It may occur that you are offered a token of goodwill on a special occasion. This should not be accepted without informing a senior officer in your team. It may be a genuine offer made without any ulterior motive, such as is fairly common in business. For example, a diary may be offered at Christmas by the representative of a firm, and this could normally be accepted.

28. However you should be suspicious of more generous gifts, and in these circumstances the best course of action is to refuse graciously stating that "it is against Council policy" and that "you are not allowed to accept presents".

29. Remember, if in doubt, that the most innocuous of actions can be viewed in a totally different and hostile light at a later stage.

EQUAL OPPORTUNITIES

30. The council is an equal opportunities employer, and its policy is set out in staff information leaflet 17. The policy is designed to ensure that no job applicant or employee receives less favourable treatment on grounds that are non-job related, and therefore unfair.
31. You must ensure that you do not practice unfair discrimination when carrying out your duties, either to a job applicant, another employee, or a client of the council. You will be liable to the normal disciplinary procedures if it appears that you have discriminated unfairly.
32. It is an unfortunate fact that persons occasionally suffer harassment in the work situation. This will not be tolerated by the council. If you object to the behaviour of an individual towards you, you should tell the harasser what you object to and ask the person to stop; making it clear that you will take further action if it does not stop.
33. If you are unable to convince the person involved to stop, you must raise the matter in a way least likely to cause you embarrassment. Care must be taken to ensure that a form of harassment does exist before raising the issue, as a complaint can result in serious embarrassment and possible serious consequences for the person the complaint is made against.
34. It is probably best to raise the issue first with your immediate supervisor or trade union representative. If necessary, however, you could contact a person of the same sex within human resources. Any information will be treated with the utmost confidence.

DATA PROTECTION

35. Previous national conditions provided for the following, which still applies to all officers:-

c. Information concerning an officer's private affairs shall not be supplied to any person outside the service of the employing authority unless the consent of such officer is first obtained."

d. No officer shall communicate to the public the proceedings of any committee meeting, etc., nor the contents of any document relating to the authority unless required by law or expressly authorised to do so."

36. Councils are also covered by the Data Protection Act 1998, which is the subject of a local collective agreement between the council and the staff. No information on you will be supplied to an outside body without your written consent, unless, it is required by statute or a court order.

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37. If you want information to be supplied rapidly to an outside body such as a building society, bank or finance company, it is your responsibility to inform the HR team.
38. The council also holds considerable personal information on members of the public, usually by electronic means (computer). The member of the public, as a data subject, has the right of access to this information; the right to have inaccurate data corrected; and the right to ensure that personal information is not communicated to an unauthorised person or organisation.
39. As an employee of the council you must be aware that the council will regard the communication of unauthorised information to an outside person or organisation as a serious offence.

DISCIPLINARY RULES

40. The council has a disciplinary procedure which covers the way any disciplinary matter must be handled. This is published as staff information leaflet 2.
41. It is difficult in a document of this nature to cover all the possibilities as to when the procedure might be used. Nevertheless the council has a duty to try to guide you with regard to acceptable conduct, and the paragraphs below are an attempt to do so. The offences listed below are regarded as serious offences that are most likely to lead to a final warning on the first offence, and dismissal if the offence is repeated. In particularly blatant cases they will be regarded as gross misconduct which warrants immediate dismissal without notice on the first offence.
42. (You should note that in certain circumstances the council may decide to prosecute for offences against the law).

Unacceptable conduct

- (a) Disobedience of a lawful verbal or written instruction concerning work, operational regulations or standing orders.
- (b) Serious insubordination by word, act or demeanour.
- (c) Serious abuse of a supervisor, fellow employee or member of the public including harassment or racial abuse.
- (d) Fighting with or striking a fellow employee or member of the public.
- (e) Conduct likely to offend decency.
- (f) Corrupt or improper activities (see the sections on *interests in contracts* and *inducements or rewards*).
- (g) Being under the influence of drink or drugs (other than those prescribed by a doctor for a specific medical condition) whilst on duty.
- (h) Discrimination (see the paragraph on *equal opportunities*).
- (i) Theft of Council property, or the property of any other employee or member of the public present at the workplace.

Unacceptable working practices

- (a) Regular absence from duty without permission.
- (b) Issuing false statements, falsifying official records or providing false information.
- (c) Misconduct in connection with official documents, including mutilating,
- (d) Improper disclosure of information (see the paragraph on *data protection*).
- (e) Wilful neglect of the health and safety regulations, including "horseplay".
- (f) Wilful or careless neglect of duty including:

- i. failure to discharge an obligation required under the contract of employment;
 - ii. by carelessness to cause loss, damage or injury to any person or property;
 - iii. failure to report a matter it is a duty to report;
 - iv. failure to make an entry it is a duty to make in any register, book or document;
 - v. failure to properly account for money or property in your charge

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Human Resources
October 2005 (minor revisions)

To further review and update when new nationally agreed code is published.

Protocol on councillor/officer relations

INTRODUCTION

1. The purpose of this document is to provide a guide to good working relationships between officers and councillors.

THE RESPECTIVE ROLES OF COUNCILLORS AND OFFICERS

2. Councillors are elected and represent their constituents. Under the council's executive arrangements, councillors perform roles on the cabinet, the scrutiny committee and other committees and sub-committees in addition to sitting as members of the full Council. Some councillors represent the council on outside bodies.
3. Officers are employed by and serve the whole Council. They advise the council, its committees and the cabinet. They implement decisions of the council, the cabinet and committees and make decisions under powers delegated to them.
4. Officers are responsible to their line manager and, ultimately, their strategic director or the. Strategic directors are accountable to the chief executive. The chief executive is accountable to the whole Council. Some senior officers have specific statutory responsibilities, including the chief executive, as the head of paid service, head of finance (chief financial officer, section 151, Local Government Act 1972) and the monitoring officer.
5. Heads of service have responsibility for delivering their respective services in accordance with the principles set out in the Constitution.

OFFICERS' ADVICE AND POLITICAL NEUTRALITY

6. Officer advice and support will be provided to:
 - Council meetings;
 - meetings of the cabinet and any committees established by the cabinet;
 - cabinet members;
 - meetings of the scrutiny committee, and other committees/sub-committees;
 - task groups/forums, etc;
 - chairs/vice-chairs of Council, committees and sub-committees;
 - all councillors on Council business.

Officers will also provide advice and assistance to individual councillors in respect of Council business, including issues raised by constituents, where appropriate.

7. Officers must not be requested to advise upon matters of party business or private matters.

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8. All officers must treat political groups and individual members in a fair and even-handed manner. Officers must maintain political neutrality and councillors must respect this.
 9. Heads of service and strategic directors may be invited to attend political group meetings. Where such an invitation is accepted, the same opportunity will be afforded to all other political groups.
 10. Political group meetings fall outside the council's decision-making process. Conclusions reached at such meetings are not formal Council decisions and so should not be relied upon as such.

OFFICERS' ADVICE ON DECLARATIONS OF INTEREST

11. All councillors are required to abide by the code of conduct, which sets out standards of conduct governing their conduct. The monitoring officer and head of legal and democratic services will provide advice and information to councillors on declarations of interest. However, councillors will know the nature and extent of any interest they may have. It is the councillor's responsibility, therefore, to decide whether any interest should be declared. Councillors are normally expected to seek advice prior to a meeting; raising such issues for the first time at a public meeting can place officers in a difficult position, and does not reflect well on the council. Officers must, when requested to do so, respect councillors' confidentiality when providing advice on declarations of interest but may otherwise draw to a member's attention the need to declare a known interest.

PERSONAL RELATIONSHIPS

12. Close personal familiarity between individual councillors and officers can damage working relationships and prove embarrassing to other councillors and officers. There is the danger of favouritism being shown to a particular councillor or officer. There may be a risk that confidential information will be passed to a councillor.
13. For these reasons, such personal familiarity is discouraged. Nevertheless, it is recognised that there may be occasions where it is unavoidable, particularly where family relationships or common interests (e.g. a club) arise.
14. A councillor must declare to the chief executive and his/her respective group leader any relationship with an officer that might be seen as influencing his/her work as a councillor. This includes a family or close personal relationship. Similarly, the officer concerned should notify his/her strategic director or, in the case of a strategic director, the chief executive. In the case of the chief executive, then all group leaders should be notified.

APPOINTMENT OF OFFICERS

15. The Constitution contains rules of procedure for the appointment of staff. Councillors cannot appoint staff below strategic director level. Where councillors are involved in making appointments, they must not take any part in the appointment of anyone to whom they are:
- married;
 - a partner;
 - otherwise related;
 - a close friend;
 - a business associate.
16. Councillors may be involved in interviewing internal candidates who will be well known to them. On such occasions, councillors must not allow that knowledge to influence their judgement one way or the other.

UNDUE PRESSURE

17. A councillor should not apply undue pressure on an officer to do anything that he/she is not empowered to do, or which is against the officer's professional judgement, or to undertake work outside normal duties or normal hours.
18. Similarly, an officer must not seek to influence an individual councillor to make a decision in his/her favour, nor raise personal matters to do with his/her job, nor make claims or allegations about other employees, except in accordance with any agreed Council procedure or in accordance with law. Councillors who receive any such approach from an officer should advise the chief executive and/or the appropriate strategic director immediately. The council has formal procedures for consultation, grievance and discipline, etc. dealing with these matters.
19. Councillors may contact officers for information/advice about matters relating to officers' responsibilities. Councillors are expected to exercise caution when approaching junior staff who may feel intimidated by such approaches. Heads of service are responsible for organising their staff's workloads and priorities. Councillors should not ask individual members of staff below head of service level to carry out work or research of a particular nature, which might involve staff in spending considerable time on matters that may not necessarily form part of the priorities of the particular service. In addition, councillors must not request individual members of staff to attend meetings or visit particular sites. All such requests must be made to the relevant head of service, who will decide whether or not the work should be carried out.
20. Generally speaking, councillors should make appointments to speak to officers. It can be disruptive to walk in unannounced, and this should be avoided wherever possible.

OFFICERS' REPORTS AND ADVICE

21. The head of service named in a report to the council or any part of its formal decision-making structure will always be fully responsible for the contents of it. Under Scrutiny arrangements, an officer can be held responsible for the contents of his/her reports or advice and be required to answer for the advice given.
22. All reports are the responsibility of heads of service or strategic directors, who will ensure that consultations are undertaken, where appropriate, with committee/sub-committee chairs, ward councillors or other particular members.

OFFICER DECISIONS MADE UNDER DELEGATED POWERS

23. Officers may make decisions under powers delegated to them pursuant to the scheme of delegation or by specific authority from the council, cabinet or committee or sub-committee. It must be recognised that it is the officer, and not any councillor, who takes the action and it is the officer who is accountable for it.
24. Officers will at all times exercise delegated powers in accordance with the principles of the scheme of delegation. In particular, they will comply with the requirement to consult relevant councillors, and will keep ward councillors informed, where appropriate, of decisions affecting their wards.

THE OFFICER RELATIONSHIP WITH THE LEADER AND OTHER CABINET MEMBERS

25. The working relationship between management team, heads of service and the leader/cabinet members will be particularly close. Cabinet members will have broad-ranging responsibilities and have some individual executive powers. Officers may provide briefing notes, advice and information to the cabinet members in respect of reports or questions at formal meetings. This relationship, however, must not:
- compromise officers' duties to all councillors;
 - be so close as to give the appearance of partiality on the part of the officer;
 - undermine the confidentiality of any discussions with the management team or between senior officers and other councillors;
 - compromise officers' professional responsibility to advise councillors that a particular course of action should/should not be pursued;
 - abrogate officer responsibility for action taken under delegated powers.

CONSTRUCTIVE CRITICISM/COMPLAINTS

26. It is important that there should be mutual courtesy between councillors and officers. It is important that there are reasonable standards of courtesy and no councillor or officer should seek to take unfair advantage of their position.

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27. Councillors and officers should not undermine respect for the other at Council meetings or at any other meeting they attend in their capacity as a councillor or Council employee. A personal attack by a councillor on a member of staff, or on staff generally, at a formal meeting will never be acceptable.
28. Councillors should not raise matters relating to the conduct or capability of an individual Council officer or officers collectively at meetings held in public.
29. If a councillor believes that he/she has not been treated with proper courtesy or has a concern about the conduct or capability of an officer, he/she should raise the matter with the relevant head of service. If he/she is not satisfied with the action that has been taken in response to this, he/she may raise the matter with the relevant strategic director who will look into the matter afresh. If the strategic director believes that there is a case to answer he/she may determine the action to be taken which might include the council's formal disciplinary procedures. If the officer concerned is the chief executive then the councillor should raise the matter with their group leader, who should initially discuss the issue with the chief executive. A special procedure, which is set out in the Constitution, applies in relation to action against the chief executive, the head of finance (section 151 officer) and the monitoring officer.
30. If an officer feels that he/she has not been treated with respect or is concerned about any action or statement relating to him/herself or a colleague by a councillor, or conduct of a councillor, he/she should raise the matter with his/her head of service. If he/she is not satisfied with any action that has been taken as a result, he/she should raise the matter with his/her strategic director. If there is a serious case to answer the strategic director, with the agreement of the chief executive, will raise the matter in the first instance with the appropriate group leader, and may request the [monitoring officer](#) to investigate the matter.
31. Where an officer or councillor is concerned about potential unlawful conduct of an officer or councillor, the council's whistle-blowing policy may also be relevant.

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COUNCILLORS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS

32. Each councillor has the right to inspect and have copies of the reports, minutes and background papers relating to the public part of any Council, cabinet, committee or sub-committee agenda. However, councillors do not have an automatic right of access to all documents relating to confidential ("exempt") items on the agenda. These might include, for instance, information relating to employees, occupiers of Council property, applications for grants, contracts, industrial relations negotiations, legal advice and criminal investigations.
33. In respect of such confidential information, councillor will normally receive, or have access to all papers unless they are of particular sensitivity. A councillor may have access to such sensitive documentation insofar as it is reasonably necessary to enable him/her to properly perform his/her duties as a councillor. The relevant question to be asked is whether he/she needs to know the

information to perform such duties. This would normally include matters relating to particular wards.

34. A member of the cabinet, a committee or sub-committee will have a need to know of the documentation relating to that body. In other circumstances, a councillor will normally be expected to justify the request in specific terms and the motive for requesting the information will be relevant. The question as to access to the documentation will be determined by the head of legal and democratic services.

35. Where a councillor has a private or pecuniary interest in a matter, the councillor will only be entitled to the same rights of access to documentation as would apply to the public generally, although the councillor would continue to receive the same documentation as is sent to other councillor of the body concerned.

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36. Any Council information provided to a councillor must only be used by the councillor in connection with the proper performance of the councillor's duties as a councillor. Confidential information should not be disclosed, discussed with or released to any other persons. Such disclosure would be a betrayal of trust. In particular, councillors should never disclose or use confidential information for the personal advantage of themselves or of anyone known to them, or to the disadvantage or the discredit of the council or anyone else.

37. Any confidential information provided to councillors should be clearly marked as such prior to its provision.

38. A councillor has no general entitlement to inspect draft documents, correspondence or working papers. A request for such material should be made through the relevant head of service, who will provide such information unless there are reasoned grounds not to do so. For example, the release of a draft document that has yet to be cleared by the head of service or the management team could prove counter-productive.

39. Cabinet members will be consulted in the preparation of draft reports, as appropriate, in accordance with the protocol adopted by the cabinet. Heads of service and/or strategic directors will determine the point at which draft reports will be made available to cabinet members.

40. Further advice regarding councillors' rights to inspect Council documents may be obtained from the head of legal and democratic services or the monitoring officer.

PUBLIC RELATIONS AND PRESS RELEASES

41. By law the council is prohibited from publishing material which appears to be designed to affect public support for a political party. Press releases are written by officers, but they may contain quotations from a councillor. Such news releases are issued on behalf of the council and it would not, therefore, be appropriate when repeating quotations from councillors to indicate their party political affiliation. The aim will be for the news releases to be objective, factual and informative. All press releases and media interviews should be conducted in accordance with the council's press release and media enquiry protocol.

42. The council will abide by the national code of recommended practice on local authority publicity.

COUNCILLOR SUPPORT SERVICES

43. The council provides a range of support services, including stationery, typing and postage to enable councillors to carry out their duties. These may only be used on Council business. They may not be used for party political work of any kind. Councillors should not ask officers to type, photocopy or otherwise process party political material.

CORRESPONDENCE

44. Unless a councillor or officer requests confidentiality, it may be assumed that correspondence (including e-mail) between a councillor and an officer is not confidential and may be shown to others. Where confidentiality is not requested, Councillors and officers will exercise discretion in determining whether it is appropriate to disclose correspondence to others. The originator of the correspondence must accept that it may be disclosed to others unless confidentiality has been requested. If, in an officer's view, correspondence on a non-confidential matter between an individual councillor and an officer is of interest to other councillors, to keep them fully informed, the original councillor should be informed when copies are provided to other councillors.

45. Where issues are raised by, or with, individual councillors relating to a matter of general interest in a Council ward, copies of correspondence will be sent to all councillors for the particular area and the appropriate cabinet member/committee Chair at the discretion of the relevant head of service. An exception will be made where the councillor specifically requests that correspondence is not copied to other councillors, or there is a political, or other reason, why this is not appropriate.

46. Officer letters on behalf of the council should normally be sent out in the name of the appropriate officer, rather than in the name of a councillor. It may be appropriate in certain circumstances (e.g. representations to a government minister) for a letter to be signed by a councillor, but this should be the exception rather than the norm.

UNRESOLVED ISSUES AND AMENDMENTS TO THE PROTOCOL

47. If there are any issues of concern, which are not dealt with by this protocol, then the relevant councillor or officer may discuss the matter with the head of legal and democratic services with a view to advice being provided.

48. This protocol will be reviewed periodically by the monitoring officer, who will make recommendations to the council on proposed amendments.

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CONTRAVENTION OF THE PROTOCOL

49. Any contravention of this protocol shall be reported to the monitoring officer. If appropriate, the monitoring officer will refer the matter, in the first instance, to the relevant group leader. If the contravention cannot be resolved at this stage, the monitoring officer may refer the matter to the [audit and corporate governance](#) committee.

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Delivering good governance: the local code of governance

BACKGROUND

1. This document is based on the “*delivering good governance in local government*” publication produced by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE) which was published in July 2007.
2. Before this in 2001, CIPFA in conjunction with SOLACE developed the first governance code “*corporate governance in local government – a keystone for community government: framework*”. This was based on principles identified by Cadbury (1992), the Nolan Committee (1995) and the work of the former Department of the Environment, Transport and the Regions (DETR).
3. Based on the 2001 publication, South Oxfordshire District Council adopted its first code of corporate governance at its full Council meeting on 17 April 2003.

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Aims

4. The aim of this document is to provide a best practice framework for developing and maintaining a locally accepted code of governance based on the 2007 publication *delivering good governance in local government*. This code was approved by the audit and corporate governance committee on 5 March 2008.
5. Good governance leads to good management, good performance, good stewardship of public money, good public engagement and, ultimately, good outcomes for citizens and service users.
6. Good governance will enable South Oxfordshire District Council to pursue its vision effectively as well as underpinning that vision with mechanisms for control and management of risk.
7. South Oxfordshire District Council aims to meet the highest standards of governance through this governance code.

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Responsibilities

8. Councillors are collectively responsible for the governance of the council. Councillors’ responsibilities include:
 - (a) agreeing the council’s Constitution comprising the key governance documents including the executive arrangements and making major changes to reflect best practice
 - (b) agreeing the policy framework including the community strategy and other key strategies
 - (c) agreeing the budget
9. The cabinet is responsible for:

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-
- (a) proposing the policy framework and key strategies
 - (b) proposing the budget
 - (c) implementing the policy framework and key strategies

- 10. The chief executive advises councillors on policy and necessary procedures to drive aims and objectives of the authority. The chief executive leads a management team.
- 11. The section 151 officer, the monitoring officer and heads of service are responsible for advising the executive and Scrutiny Committee on legislative, financial and other policy considerations to achieve aims and objectives of South Oxfordshire District Council and are responsible for implementing councillors' decisions and for service performance.
- 12. The audit and corporate governance committee is responsible for considering governance matters and making recommendations thereon and for agreeing a revised code of governance.
- 13. Officers are authorised to update action taken by the council to meet the requirements of the framework as set out in the column entitled *evidence that South Oxfordshire District Council fulfils its aims*.

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Processes

- 14. To develop this local code of governance we have reviewed our existing governance arrangements against CIPFA/SOLACE's framework document.
- 15. In doing so we have identified our systems, processes and documentation that provide evidence of compliance. We identify those responsible for monitoring and reviewing the systems, processes and documentation identified and those responsible for undertaking the actions required and plan accordingly.
- 16. We will review, develop and maintain our local code of governance on an annual basis to ensure its ongoing application and effectiveness.
- 17. On an annual basis we will prepare a governance statement in order to report publicly on the extent to which South Oxfordshire District Council complies with its code of governance including how we have monitored the effectiveness of the governance arrangements in the year and on any planned changes in the coming year.

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GOVERNANCE

- 18. Governance is an interrelated system bringing together an underlying set of:
 - legislative requirements,
 - governance principles,
 - management processes.
- 19. Governance is about doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.

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20. It comprises the systems and processes, and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities.

The principles and supporting principles of good governance

21. CIPFA/SOLACE have adopted six principles of good governance from *The Good Governance Standard for Public Services* (2004) developed by the Independent Commission on Good Governance in Public Services with support from the Office for Public Management and CIPFA. These have been adapted for local government purposes.

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22. The following sets out these principles, which in turn have supporting principles each of which in turn translates into a range of specific requirements as set out in the tables at the end of this document.

PRINCIPLE: FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA.

The function of governance is to ensure that authorities, other local government organisations or connected partnerships fulfil their purpose and achieve their intended outcomes for citizens and service users and operate in an effective, efficient, economic and ethical manner. This concept should guide all governance activity.

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Local government bodies need to develop and articulate a clear vision of their purpose and intended outcomes for citizens and service users that is clearly communicated, both within the organisation and to external stakeholders.

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PRINCIPLE: COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES

The governing body of an organisation has overall responsibility for directing and controlling that organisation. In local government the governing body is the full council or authority.

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PRINCIPLE: PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR

Good governance flows from a shared ethos or culture, as well as from systems and structures. It cannot be reduced to a set of rules, or achieved fully by compliance with a set of requirements. This spirit or ethos of good governance can be expressed as values and demonstrated as behaviour.

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Good governance builds on the seven principles for the conduct of people in public life that were established by the committee on Standards in Public Life,

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known as the Nolan Principles. In England, the Local Government Act 2000 outlined ten principles of conduct – an additional three to those identified by Nolan – for use in local government bodies.

- A hallmark of good governance is the development of shared values, which become part of the organisation’s culture, underpinning policy and behaviour throughout the organisation from the governing body to all staff. These are in addition to compliance with legal requirements on, for example, equal opportunities and anti-discrimination.

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Principle: taking informed and transparent decisions which are subject to effective scrutiny and managing risk

- Decision making within a good governance framework is complex and challenging. It must further the organisation’s purpose and strategic direction and be robust in the medium and longer terms. To make such decisions, councillors must be well informed.

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- Councillors making decisions need the support of appropriate systems, to help to ensure that decisions are implemented and that resources are used legally and efficiently.

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- Risk management is important to the successful delivery of public services. An effective risk management system identifies and assesses risks, decides on appropriate responses and then provides assurance that the chosen responses are effective.

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Principle: developing the capacity and capability of councillors and officers to be effective

- Effective local government relies on public confidence in councillors, whether elected or appointed and in officers. Good governance strengthens credibility and confidence in our public services.

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- Authorities need people with the right skills to direct and control them effectively. Governance roles and responsibilities are challenging and demanding and councillors need the right skills for their roles. In addition, governance is strengthened by the participation of people with many different types of knowledge and experience.

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- Good governance means drawing on the largest possible pool of potential councillors to recruit people with the necessary skills. Encouraging a wide range of people to stand for election or apply for appointed positions will develop a councillorship that has a greater range of experience and knowledge. It will also help to increase the diversity of councillors in terms of age, ethnic background, social class, life experiences, gender and disability. This concept should be borne in mind when councillors are appointed to the boards of other public service organisations.

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Principle: engaging with local people and other stakeholders to ensure robust public accountability

• Local government is accountable in a number of ways. Elected councillors are democratically accountable to their local area and this gives a clear leadership role in building sustainable communities. All councillors must account to their communities for the decisions they have taken and the rationale behind those decisions.

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• All authorities are subject to external review through the external audit of their financial statements. They are required to publish their financial statements and are encouraged to prepare an annual report. Many are subject to national standards and target. Their budgets are effectively subject to significant influence and overview by government, which has powers to intervene. Both councillors and officers are subject to codes of conduct. Additionally, where maladministration may have occurred, an aggrieved person may appeal either through their local councillor directly to the ombudsman.

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23. Each of the above principles translates into supporting principles and aims for South Oxfordshire District Council. The supporting principles, aims and documentary evidence that South Oxfordshire District Council fulfils these aims is shown in the tables below.

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	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
1	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users	Develop and promote the authority's purpose and vision	Sustainable Community Strategy Corporate Plan South Oxfordshire Partnership Community Engagement Strategy (to be agreed)
2	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users	Review on a regular basis the authority's vision for the local area and its implications for the authority's governance arrangements	Sustainable Community Strategy South Oxfordshire Partnership Community Engagement Strategy (to be agreed) Local Governance Code Corporate Plan
3	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users	Ensure that partnerships are underpinned by a common vision of their work that is understood and agreed by all partners	Partnership agreements Local Governance Code Corporate Plan

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
4	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Exercising strategic leadership by developing and clearly communicating the authority's purpose and vision and its intended outcome for citizens and service users	Publish an annual report on a timely basis to communicate the authority's activities and achievements, its financial position and performance	Statement of accounts Corporate Plan
5	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning	Decide how the quality of service for users is to be measured and make sure that the information needed to review service quality effectively and regularly is available	Performance monitoring Service standards Medium Term Financial Strategy
6	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL	Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning	Put in place effective arrangements to identify and deal with failure in service delivery	Complaints system Performance monitoring

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	AREA			
7	FOCUSING ON THE PURPOSE OF THE AUTHORITY AND ON OUTCOMES FOR THE COMMUNITY AND CREATING AND IMPLEMENTING A VISION FOR THE LOCAL AREA	Ensuring that the authority makes best use of resources and that tax payers and service users receive excellent value for money	Decide how value for money is to be measured and make sure that the authority or partnership has the information needed to review value for money and performance effectively. Measure the environmental impact of policies, plans and decisions	Sustainable Development Strategy Corporate Plan
8	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring effective leadership throughout the authority and being clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function	Set out a clear statement of the respective roles and responsibilities of the executive and of the executive councillors individually and the authority's approach towards putting this into practice	Constitution Scheme of delegation Councillor job descriptions Scrutiny procedure rules
	COUNCILLORS AND OFFICERS WORKING	Ensuring effective leadership throughout the authority and being	Set out a clear statement of the respective roles	Constitution Scheme of delegation

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
9	TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	clear about executive and non-executive functions and of the roles and responsibilities of the scrutiny function	and responsibilities of other authority councillors, councillors generally and of senior officers	Councillor job descriptions Protocol on Councillor/officer relations Officer's job descriptions
10	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring that a constructive working relationship exists between authority councillors and officers and that the responsibilities of councillors and officers are carried out to a high standard	Determine a scheme of delegation and reserve powers within the Constitution, including a formal schedule of those matters specifically reserved for collective decision of the authority, taking account of relevant legislation, and ensure that it is monitored and updated when required	Annual review of the Constitution including the scheme of delegation
11	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED	Ensuring that a constructive working relationship exists between authority councillors and officers and that the responsibilities of councillors and officers are carried out to a high	Make a chief executive or equivalent responsible and accountable to the authority for all aspects of operational	Constitution Article 12 (officers) Scheme of delegation Officer job description/person

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	FUNCTIONS AND ROLES	standard	management	specification Chief executive's performance review
12	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring that a constructive working relationship exists between authority councillors and officers and that the responsibilities of councillors and officers are carried out to a high standard	Develop protocols to ensure that the leader and chief executive (or equivalent) negotiate their respective roles early in the relationship and that a shared understanding of roles and objectives is maintained.	Constitution Protocol on councillor/officer relations
13	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring that a constructive working relationship exists between authority councillors and officers and that the responsibilities of councillors and officers are carried out to a high standard	Make a senior officer (the Section 151 officer) responsible to the authority for ensuring that appropriate advice is given on all financial matters, for keeping proper financial records and accounts and for maintaining an effective system of internal	Constitution Article 12 (officers) Scheme of delegation Officer job description/person specification

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			financial control	
14	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring that a constructive working relationship exists between authority councillors and officers and that the responsibilities of councillors and officers are carried out to a high standard	Make a senior officer (usually the monitoring officer) responsible to the authority for ensuring that agreed procedures are followed and that all applicable statutes and regulations are complied with	Constitution Article 12 (officers) Scheme of delegation Officer job description/person specification
15	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	Develop protocols to ensure effective communication between councillors and officers in their respective roles	Constitution Protocol on councillor/officer relations
16	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	Set out the terms and conditions for remuneration of councillors and officers and an effective structure for managing the process, including an	Independent remuneration panel Constitution Councillors' allowance scheme Existence of pay policy for staff

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			effective remuneration panel (if applicable)	
17	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	Ensure that effective mechanisms exist to monitor service delivery	Performance monitoring Complaints system
18	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	Ensure that the organisation's vision, strategic plans, priorities and targets are developed through robust mechanisms, and in consultation with the local community and other key stakeholders, and that they are clearly articulated and disseminated	Corporate Plan
19	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	When working in partnership, ensure that councillors are clear about their roles and	Corporate Plan Service standards Voluntary sector compact Partnership agreements

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	CLEARLY DEFINED FUNCTIONS AND ROLES		responsibilities both individually and collectively in relation to the partnership and to the authority	
20	COUNCILLORS AND OFFICERS WORKING TOGETHER TO ACHIEVE A COMMON PURPOSE WITH CLEARLY DEFINED FUNCTIONS AND ROLES	Ensuring relationships between the authority, its partners and the public are clear so that each knows what to expect of the other	When working in partnership: Ensure that there is clarity about the legal status of the partnership Ensure that representatives of organisations both understand and make clear to all other partners the extent of their authority to bind their organisation to partner decisions	Partnership agreements
21	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH	Ensuring authority councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	Ensure that the authority's leadership sets a tone for the organisation by creating a climate of openness,	Constitution Councillors' code of conduct Councillors' planning code of good practice Officers' code of conduct

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR		support and respect	
22	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR	Ensuring authority councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	Ensure that standards of conduct and personal behaviour expected of councillors and staff, of work between councillors and staff and between the authority, its partners and the community are defined and communicated through codes of conduct and protocols	Constitution Councillors' code of conduct Councillors' planning code of good practice Officers' code of conduct Performance review
23	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR	Ensuring authority councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	Put in place arrangements to ensure that councillors and employees of the authority are not influenced by prejudice, bias or conflicts of interest in dealing with different stakeholders and put in place appropriate processes to	Constitution Councillors' code of conduct Councillors' planning code of good practice Officers' code of conduct Financial procedure rules

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			ensure that they continue to operate in practice	
24	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR	Ensuring that organisational values are put into practice and are effective	Develop and maintain shared values including leadership values for both the organisation and staff reflecting public expectations, and communicate these with councillors, staff, the community and partners	Constitution Councillors' code of conduct Councillors' planning code of good practice Officers' code of conduct Performance review
25	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR	Ensuring that organisational values are put into practice and are effective	Put in place arrangements to ensure that systems and processes are designed in conformity with appropriate ethical standards, and monitor their continuing effectiveness in practice	Constitution Councillors' code of conduct Councillors' planning code of good practice Officers' code of conduct
26	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD	Ensuring that organisational values are put into practice and are effective	Develop and maintain an effective mechanism for dealing with code of conduct complaints	Constitution Article 9 (audit and corporate governance committee)

Deleted: standards committee

Deleted: the standards committee

Comment [K4]: The original wording for this paragraph came from the CIPFA/SOLACE framework but I think it's worth amending it.

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR			Work programme Annual report to Committee
27	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT AND BEHAVIOUR	Ensuring that organisational values are put into practice and are effective	Use the organisation's shared values to act as a guide for decision making and as a basis for developing positive and trusting relationships within the authority	Constitution Scheme of delegation Corporate Plan
28	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT	Ensuring that organisational values are put into practice and are effective	In pursuing the vision of a partnership agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.	Partnership agreements

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
29	PROMOTING VALUES FOR THE AUTHORITY AND DEMONSTRATING THE VALUES OF GOOD GOVERNANCE THROUGH UPHOLDING HIGH STANDARDS OF CONDUCT	Ensuring that organisational values are put into practice and are effective	In pursuing the vision of a partnership agree a set of values against which decision making and actions can be judged. Such values must be demonstrated by partners' behaviour both individually and collectively.	Partnership agreements
30	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	Develop and maintain open and effective mechanisms for documenting evidence for decisions and recording the criteria, rationale and considerations on which decisions are based	Committee report checklist Committee reports Committee minutes Cabinet and officer decisions
31	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	Put in place arrangements to safeguard councillors and employees against conflicts of interest and	Constitution Code of conduct Officers code of conduct Declarations of interest Code of practice - gifts and

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			put in place appropriate processes to ensure that they continue to operate in practice	hospitality Staff information leaflet - gifts and hospitality
32	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	Develop and maintain an effective audit committee (or equivalent) which is independent of the executive and scrutiny functions or make other appropriate arrangements for the discharge of the functions of such a committee	Constitution Scheme of delegation Training
33	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Being rigorous and transparent about how decisions are taken and listening and acting on the outcome of constructive scrutiny	Ensure that effective, transparent and accessible arrangements are in place for dealing with complaints	Complaints system Referral of complaints to Audit and corporate governance committee
34	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs	Ensure that those making decisions whether for the authority or the partnership are provided with information that is fit	Committee report checklist Committee reports Committee minutes Cabinet and officer decisions

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			for purpose – relevant, timely and gives clear explanations of technical issues and their implications	
35	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants/needs	Ensure that proper professional advice on matters that have legal or financial implications is available and recorded well in advance of decision making and used appropriately	Committee report checklist
36	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Ensuring that an effective risk management system is in place	Ensure that risk management is embedded into the culture of the authority, with councillors and managers at all levels recognising that risk management is part of their jobs	Risk management strategy 2005-08 (intranet) Annually updated risk register (intranet) created as part of service planning Biannual risk management report to ACGC Training for new councillors (presentation). Other evidence in current risk audit

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
37	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Ensuring that an effective risk management system is in place	Ensure that effective arrangements for whistleblowing are in place to which officers, staff and all those contracting with or appointed by the authority have access	Confidential reporting (whistleblowing) policy
38	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Using their legal powers to the full benefit of the citizens and communities in their area	Actively recognise the limits of lawful activity placed on them by, for example, the ultra vires doctrine but also strive to utilise their powers to the full benefit of their communities	Monitoring officer provisions Constitution Finance procedure rules Contracts procedure rules
39	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Using their legal powers to the full benefit of the citizens and communities in their area	Recognise the limits of lawful action and observe both the specific requirements of legislation and the general responsibilities placed on authorities by public law	Monitoring officer provisions Constitution Finance procedure rules Contracts procedure rules

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
40	TAKING INFORMED AND TRANSPARENT DECISIONS WHICH ARE SUBJECT TO EFFECTIVE SCRUTINY AND MANAGING RISK	Using their legal powers to the full benefit of the citizens and communities in their area	Observe all specific legislative requirements placed upon them, as well as the requirements of general law, and in particular to integrate the key principles of good administrative law – rationality, legality and natural justice – into their procedures and decision-making processes	Monitoring officer provisions Constitution Finance procedure rules Contracts procedure rules
41	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Making sure that councillors and officers have the skills, knowledge, experience and resources they need to perform well in their roles	Provide induction programmes tailored to individual needs and opportunities for councillors and officers to update their knowledge on a regular basis	Induction programme for councillors Induction programme for staff Personal development plans for staff
42	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Making sure that councillors and officers have the skills, knowledge, experience and resources they need to perform well in their roles	Ensure that the statutory officers have the skills, resources and support necessary to perform effectively in their roles	Performance review Job descriptions/person specification Personal development plans

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			and that these roles are properly understood throughout the authority	
43	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group	Assess the skills required by councillors and officers and make a commitment to develop those skills to enable roles to be carried out effectively	Training and development policy Corporate training programme Personal development plans
44	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group	Develop skills on a continuing basis to improve performance, including the ability to scrutinise and challenge and to recognise when outside expert advice is needed	Corporate training programme Individual development plans Performance review Scrutiny review of scrutiny
45	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group	Ensure that effective arrangements are in place for reviewing the performance of the executive as a whole and	Performance review for officers Performance monitoring system for councillors

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
			of individual councillors and agreeing an action plan which might, for example, aim to address any training or development needs	
46	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Encouraging new talent for councillorship of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal	Ensure that effective arrangements are in place designed to encourage individuals from all sections of the community to engage with, contribute to and participate in the work of the authority	Community Engagement Strategy (to be agreed) Disability Equality Group EMBRACE partnership
47	DEVELOPING THE CAPACITY AND CAPABILITY OF COUNCILLORS AND OFFICERS TO BE EFFECTIVE	Encouraging new talent for councillorship of the authority so that best use can be made of individuals' skills and resources in balancing continuity and renewal	Ensure that career structures are in place for councillors and officers to encourage participation and development	Service team structure review Councillor induction training programme
48	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE	Exercising leadership through a robust scrutiny function which effectively engages local people and	Make clear to themselves, all staff and the community to whom	Community Engagement Strategy (to be agreed) Scrutiny review of scrutiny

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
	ROBUST PUBLIC ACCOUNTABILITY	all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	they are accountable and for what	
49	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	Consider those institutional stakeholders to whom the authority is accountable and assess the effectiveness of the relationships and any changes required	Scrutiny review of scrutiny 2008 Annual residents survey
50	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Exercising leadership through a robust scrutiny function which effectively engages local people and all local institutional stakeholders, including partnerships, and develops constructive accountability relationships	Produce an annual report on the activity of the scrutiny function	Scrutiny annual report
51	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority,	Ensure clear channels of communication are in place with all sections of the community and other stakeholders, and put in	Annual residents survey

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
		in partnership or by commissioning	place monitoring arrangements to ensure that they operate effectively	
52	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority, in partnership or by commissioning	Hold meetings in public unless there are good reasons for confidentiality	Constitution Access to information procedure rules
53	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority, in partnership or by commissioning	Ensure that arrangements are in place to enable the authority to engage with all sections of the community effectively. These arrangements should recognise that different sections of the community have different priorities and establish explicit processes for dealing with these competing demands	Community Engagement Strategy (to be agreed)

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
54	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority, in partnership or by commissioning	Establish a clear policy on the types of issues they will meaningfully consult on or engage with the public and service users about including a feedback mechanism for those consultees to demonstrate what has changed as a result	Community Engagement Strategy (to be agreed)
55	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority, in partnership or by commissioning	On an annual basis, publish a Corporate plan giving information on the authority's vision, strategy, plans and financial statements as well as information about its outcomes, achievements and the satisfaction of service users in the previous period	Corporate Plan Annual financial statements
	ENGAGING WITH LOCAL	Taking an active and planned	Ensure that the authority	Community Engagement

	PRINCIPLE	SUPPORTING PRINCIPLE	SOUTH OXFORDSHIRE DISTRICT COUNCIL AIMS TO:	EVIDENCE THAT SOUTH OXFORDSHIRE DISTRICT COUNCIL FULFILS ITS AIMS:
56	PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery whether directly by authority, in partnership or by commissioning	as a whole is open and accessible to the community, service users and its staff and ensure that it has made a commitment to openness and transparency in all its dealings, including partnerships, subject only to the need to preserve confidentiality in those specific circumstances where it is proper and appropriate to do so	Strategy (to be agreed "Have your say" website pages Corporate Plan Constitution Access to information
57	ENGAGING WITH LOCAL PEOPLE AND OTHER STAKEHOLDERS TO ENSURE ROBUST PUBLIC ACCOUNTABILITY	Making best use of human resources by taking an active and planned approach to meet responsibility to staff	Develop and maintain a clear policy on how staff and their representatives are consulted and involved in decision making	Consultation policy for staff

Councillor call for action protocol

Purpose

1. This document sets out the process for dealing with issues relating to councillor call for action as set out in the Local Government and Public Involvement in Health Act 2007 and Centre for Public Scrutiny Best Practice Guidance.

Introduction

2. The councillor call for action (CCfA) was introduced under section 119 of the Local Government and Public Involvement in Health Act 2007 and came into force on 1 April 2009. The statutory requirement to implement CCfA by 1 April 2009 applies to all principal councils in England.
3. The Act enables any councillor to refer any local government matter or any crime and disorder matter that affects their ward to a scrutiny committee. Local government issues not only cover specific council functions but also cover the council's partners and their responsibilities for delivering Local Area Agreement targets.
4. The power to refer is only available where the matter is of direct concern to the ward the councillor represents. There is no requirement for councillors in multi member wards to agree to the referral.
5. It is not anticipated that there will be extensive use of the CCfA power as it is designed as a last resort mechanism when normal processes fail. Councillors should note that CCfA is not guaranteed to solve problems but is designed to offer a mechanism for discussion and through this trying to address them.

Limitations

6. It is important to recognise that CCfA is not guaranteed to solve a problem. CCfA provides a method for discussing problems and through discussion trying to resolve them.

Issues excluded from referral as a CCfA

7. The following matters have been excluded from CCfA by statutory regulations (The Overview and Scrutiny (Reference by Councillors) (External Matters) (England) order 2008):
 - (a) any matter relating to a planning decision
 - (b) any matter relating to a licensing decision
 - (c) any matter relating to an individual or entity that is already subject to an appeal, review or complaint
 - (d) where there is an alternative avenue to resolve an issue (complaints process)
 - (e) any matter which is vexatious, discriminatory or unreasonable.

Examples of possible CCfA issues

8. A series of complaints about waste collection which illustrate a continuing trend of poor performance.
9. Anti-social behaviour issues.
10. Environmental issues.

CCfA process

11. In accordance with the national best practice guidance the use of CCfA should be the last stop for resolving an issue. Prior to referring a matter as a CCfA a councillor must have tried to resolve the issue/problem themselves using all the mechanisms and resources available to them such as liaising with partners, county and parish councillors or raising the issue with officers.
12. There are a range of tools that councillors can use to influence change and resolve problems both formally and informally such as:
 - (a) questions at Council or committee
 - (b) motions on the agenda at a Council meeting
 - (c) informal discussions with officers and other councillors
 - (d) communication with councillors in other authorities
 - (e) public meetings
 - (f) formal letters written on behalf of constituents
 - (g) request that a topic for review is included in the scrutiny work programme
13. A councillor referring a matter as a CCfA will need to show that they have tried to resolve the matter using some of the above techniques/resources and that sufficient time has elapsed for partner organisations to resolve the issue.

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How to make a CCfA

14. If the issue/problem is not resolved the councillor can refer it to the scrutiny committee using the form attached to this guidance ensuring that each section is completed. The councillor should return this form to the head of legal and democratic services.

Decision on whether to take the matter further

15. A democratic services officer will meet with the chairman and vice-chairman of the scrutiny committee to consider whether to take the CCfA forward.
16. This decision will be based on ensuring that all other avenues have been exhausted, that the statutory exclusions have been considered, whether the committee has considered a similar issue recently and if so whether there is any change in circumstances/new evidence, whether a similar issue is included in the committee's work programme and whether the issue is of genuine local concern.

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17. The CCfA can be rejected at this stage or the councillor could be asked to take additional action before the matter is considered further. If the CCfA is rejected the councillor will be advised of these reasons in writing.
 18. If the chairman concludes that the item is valid the matter will be referred to the next scheduled scrutiny committee meeting.

Committee process

19. The committee will receive an initial report which will allow it to prioritise the issue in its work programme and determine whether the whole committee or a task group progresses the work. The report to the committee will include information covering the issue, what the councillor is requesting as the proposed outcome and previous action taken by the councillor.
20. The committee can use powers under the 2007 Act and other legislation to invite representatives from partner organisations to attend and to request information. Discussions would be based on how to achieve the outcomes that the councillor bringing the CCfA specified on the initial form. The committee would explore possible solutions and complete its consideration of the matter with a recommendation for certain action to be taken. The committee will be responsible for monitoring the implementation of the recommendations.

Councillor call for action: request form

This form should be used by any councillor at South Oxfordshire District Council who would like the scrutiny committee to consider a call for action in their ward.

Subject of the councillor call for action:

Would you like the opportunity to speak to the scrutiny committee?

Yes: No:

Have you approached the scrutiny committee on the same issue in the past six months?

Yes: No:

Why you think the issue should be looked at by the scrutiny committee:

Please give a brief synopsis of what the main areas of concern are:

What evidence do you have in support of your call for action:

Who is affected by the call for action:

Have you exhausted all avenues to resolve the issue?

Yes: No:

What action have you taken to resolve the issue:

Are there any deadlines associated with the call for action:

What outcomes would you hope for in making this call for action:

Is the call for action currently the subject of legal action by any party (to your knowledge) or is subject of a formal complaints' process?

Yes: No:

Councillor (print):

Signature:

Ward:

Date submitted:

For Office Use Only:

Received by:

Received on:

Petition scheme

1. The council welcomes petitions from those who live, work, or study in South Oxfordshire and recognises that petitions are one way in which people can let us know their concerns or the strength of public feeling. All petitions sent or presented to the council will receive an acknowledgement from the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

Democratic Services
South Oxfordshire District Council
Council Offices
Benson Lane
Crowmarsh Gifford
Wallingford
OX10 8AY

At a later date, it will be possible to create, sign and submit petitions online by following a link from this scheme.

2. Petitions can also be presented to a meeting of the council. These meeting dates and times can be found at www.southoxon.gov.uk If you would like to present your petition, or would like your councillor or someone else to present it on your behalf, please contact Democratic Services democraticservices@southoxon.gov.uk or 01491 823649 at least 10 working days before the meeting and they will talk you through the process. If your petition has received 1500 signatures or more it will also be scheduled for a Council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the council.

What are the guidelines for submitting a petition?

3. Petitions submitted to the council must include:
 - a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the council to take
 - the name and address and signature of any person supporting the petition.
4. Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

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5. Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that case, we will write to the petition organiser to explain the reasons.

What will the council do when it receives my petition?

6. An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. The council may decide to verify the authenticity of the petition by performing a check (where possible) to ensure that those who have signed the petition are real signatories. The petition will also be published on our website.
7. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.
8. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. Please contact us for more information.
9. We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
10. To ensure that people know what we are doing in response to the petitions we receive the details of all petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the council respond to petitions?

11. Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
 - taking the action requested in the petition
 - considering the petition at a council meeting
 - holding an inquiry into the matter

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- undertaking research into the matter
 - holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - referring the petition for consideration by the council's scrutiny committee*
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition

12. In addition to these steps, the council will consider all the specific actions it can potentially take on the issues highlighted in a petition.

*the scrutiny committee is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the scrutiny committee has the power to hold the council's decision makers to account.

Appropriate steps

13. If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners and where possible will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you. You can find more information on the services for which the council is responsible at www.southoxon.gov.uk.

14. If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

15. If a petition contains more than 1500 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend. The council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes.

16. The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee.

17. Where the issue is one on which the cabinet are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

Officer evidence

18. Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's scrutiny committee. The senior staff that can be called to give evidence are:

- Chief executive (head of the paid service)
- Strategic director (finance, HR, IT and customer and section 151 officer)
- Strategic director (corporate strategy, economy, leisure and property)
- Strategic director (health and housing, planning, legal and democratic services)
- Head of HR, IT and customer services
- Head of planning
- Head of finance
- Head of corporate strategy
- Head of legal and democratic services and monitoring officer
- Head of health and housing
- Head of economy, leisure and property

19. You should be aware that the scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call a relevant councillor to attend the meeting. committee members will ask the questions at this meeting, but you will be able to suggest questions to the chairman of the committee by contacting democratic services democraticservices@southoxon.gov.uk up to three working days before the meeting.

E-Petitions

20. The council will have in place facilities for the submission of e-petitions by 15 December 2010. Further information on their completion and submission will then be included in this scheme.

What can I do if I feel my petition has not been dealt with properly?

21. If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the council's scrutiny committee review the steps that the council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review if the petition organiser gives a short

explanation of the reasons why the council's response is not considered to be adequate.

22. The committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the cabinet and arranging for the matter to be considered at a meeting of the full Council.
23. Once the appeal has been considered the petition organiser will be informed of the results within five working days. The results of the review will also be published on our website.

Councillor job descriptions

LEADER OF THE COUNCIL

1. To provide overall leadership and direction to the council and the cabinet.
2. To act as principal councillor spokesperson and advocate for the council and the cabinet, and to promote the interests of South Oxfordshire locally and nationally.
3. To manage and lead the work of the cabinet, act as its Chair and represent its collective view.
4. To participate in the collective responsibilities of the cabinet.
5. To ensure the effective engagement of the council with the community.
6. To ensure strategic co-ordination of the council's activities.
7. To appoint cabinet members and determine their allocated individual areas of responsibility.
8. To monitor the council's overall performance and be accountable to the council and the community.
9. To represent the council at a national, regional or local level on outside bodies or in partnership with other agencies.
10. To meet regularly with the chief executive and strategic directors and other relevant officers to consider and recommend action within approved policy.
11. To ensure regular contact with non-executive members and community representatives to take account of their views in shaping Council policy.

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CABINET MEMBER

1. With cabinet colleagues, to collectively undertake executive responsibility for developing and proposing overall strategy, budgets and implementation of policy.
2. To exercise those functions delegated to individual cabinet members as set out in schedule 2 of the scheme of delegation.
3. To participate in scrutiny of performance and reviews of services.
4. To act as councillor spokesperson for the council, including representing the council to the press, in respect of defined services within his/her area of responsibility.

5. To guide the development of the council's policy framework for those services within his/her portfolio.
6. To oversee the implementation of policy in relation to services within his/her area of responsibility.
7. To monitor, with appropriate officers, the council's performance in services within his/her area of responsibility. Upon request, to attend meetings of the scrutiny committee to account for performance in those services within his/her area of responsibility and for decisions of the cabinet in relation to the same.
8. To be the councillor accountable for services within his/her area of responsibility both to the council and the community.
9. To represent the council at national, regional and local level on outside bodies or in partnership with other agencies.
10. To meet regularly with the appropriate strategic director and other relevant officers to consider and recommend action within approved policy.
11. To participate in the collective responsibilities of the cabinet.
12. To ensure regular contact with non-executive members and community representatives to take account of their views in shaping Council policy.

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CHAIR OF THE SCRUTINY COMMITTEE

1. To chair meetings of the committee and to be responsible for setting the agenda for the committee's work in consultation with senior officers and in accordance with the committee's terms of reference.
2. To ensure proper examination of cabinet decisions and recommendations in such a manner that the efficient business of the council is not hindered, and where the committee disagrees with a recommendation of the cabinet to the council, that a constructive alternative course of action is put forward.
3. To commission, following consultation with other members of the committee and the chief executive, and subject to funds being available, such external assistance as may be necessary to allow proper examination of cabinet decisions and recommendations.
4. To ensure that when the committee decides to examine the policies or actions of another public body that have impact upon the well-being of residents of South Oxfordshire, such examination is carried out in a positive manner and in the best interests of the council and residents.
5. To act as spokesperson for the council in respect of the work carried out by the committee.

- 6. Upon request from the leader of the council, to decide whether an item of business should be determined by the cabinet as urgent business and therefore not subject to 'call-in'.
- 7. To chair meetings and to develop and maintain a working knowledge of the practices, procedures, services and functions that fall within the committee's terms of reference.
- 8. To co-ordinate the input of non-cabinet councillors into the development and implementation of policy by the cabinet.
- 9. To be responsible for identifying areas for review of policy, other than those requested by the cabinet and within the committee's own terms of reference. This could include policies of outside bodies where their activities are relevant to the committee's terms of reference.

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COMMITTEE CHAIR

- 1. To chair meetings of the committee and lead and guide the work of the committee.
- 2. To be the council's principal councillor spokesperson on the work undertaken by the committee.

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ALL COUNCILLORS

- 1. To represent the views of the community to the authority and bring their views into the council's decision making process through all appropriate means and to contribute to open government and democratic renewal through actively encouraging community participation and involvement in decision making.
- 2. To maintain professional working relationships and establish mutual respect with all councillors and officers.
- 3. To fulfil statutory and locally determined requirements of an elected councillor, including compliance with relevant codes of conduct and protocols.
- 4. To participate in decisions on those matters reserved to the council.
- 5. To participate effectively as a member of any committee or other body to which the councillor is appointed.
- 6. To develop and maintain a working knowledge of the authority's services, management arrangements, powers and duties and constraints.
- 7. To develop a working knowledge of the organisations, services, activities and other factors important to the community's well being and identity.
- 8. To participate in the activities of any outside body to which he/she is appointed and report back to the council.

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- | 9. To undertake councillor development and training to enhance corporate and personal effectiveness.
- | 10. To represent effectively the views and interests of his/her ward and deal with constituents' enquiries fairly and without prejudice.
- | 11. To participate in the scrutiny of performance and reviews of services.
- | 12. To deal with individual casework and act as advocate for constituents in resolving concerns or grievances.
- | 13. To champion the causes which further the interests, quality of life and sustainable development of the community.

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GROUP LEADER

- | 1. To lead his/her political group and to act as spokesperson for the group.
- | 2. To ensure effective, positive and constructive opposition or joint working, where appropriate, and ensure effective scrutiny of the council's administration.
- | 3. To ensure effective communication between group members, other groups and officers of the council.
- | 4. To nominate members of his/her group to sit on various Council bodies and, if appropriate, to represent the council on outside bodies.

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CHAIR OF COUNCIL

- | 1. To be the civic leader of South Oxfordshire and to undertake civic, community and ceremonial activities and act as an ambassador for both the council and the District.
- | 2. To chair meetings of the council in a fair and impartial manner and to uphold the rights of all councillors within the provisions of the council's Constitution.
- | 3. In the absence of the Chair of the scrutiny committee, to decide whether an item of business should be determined by the cabinet as urgent business and therefore not subject to 'call-in'.

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VICE-CHAIR OF COUNCIL

- 1. To assist the Chair of the council in undertaking civic, community and ceremonial activities and acting as an ambassador for both the council and the district.
- 2. In the absence of the Chair, to chair meetings of the council in a fair and impartial manner and to uphold the rights of all councillors within the provisions of the council's constitution.

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3. In the absence of the Chair of the scrutiny committee and the Chair of the council, to decide whether an item of business should be determined by the cabinet as urgent business and therefore not subject to 'call-in'.



**PART 6: COUNCILLORS' ALLOWANCES
SCHEME**

Councillors' allowances scheme from 1 April 2012

1. South Oxfordshire District Council, in exercise of the powers conferred by the Local Authorities (Members Allowances)(England) Regulations 2003, considered the report of its appointed Independent Remuneration Panel (IRP) and approved the following scheme on 15 December 2011.
2. The scheme has effect from 1 April 2012
3. In this scheme:
 - (a) 'councillor' means an elected councillor of the district council (the Council)
 - (b) 'co-opted member' means a member of the Standards Committee who is not a councillor and who has been appointed by the Council, or a person (other than a councillor) formally co-opted by resolution on to a committee of the Council for more than one meeting.
 - (c) 'calendar year' means a period 1 January to 31 December; 'financial year' means a period 1 April to 31 March; 'municipal year' means a period between Annual Council meetings.

Basic Allowance

4. Each councillor shall be paid a basic allowance of £3,200 for the financial year.

Co-opted members of the Standards Committee and other committees

5. Other than the award of a basic allowance, this scheme applies to co-opted members on the same basis as to councillors.

Special Responsibility Allowances (SRAs)

6. The following SRAs are paid to those councillors holding positions of:

Chairman of Council	£5,400
Vice-Chairman of Council	£3,600
Leader of the Council	£10,000
Other Cabinet members	£5,400
Chairman of Scrutiny Committee	£4,000

Chairman of Planning Committee	£4,000
Chairman of the Licensing Acts Committee	£2,000
Chairman of the Audit and Corporate Governance Committee	£2,000
Chairman of General Licensing Committee	£500
Vice-Chairman of the Licensing Acts Committee	£500
Chairman of Standards Committee Co-opted members of committees	Per meeting/ conference/ training event up to 4 hours: £35 over 4 hours: £90

7. Where a councillor is entitled to more than one allowance, only the higher or highest shall be paid.
8. Chairmen and vice chairman of committees not listed here are not paid a SRA.
9. If the council abolishes a committee, the SRA will cease.
10. If the remit of any committee is substantially altered, the existing SRA shall continue to be paid until the IRP decides to recommend otherwise.

Travel and subsistence allowance

11. Travel and subsistence allowances shall be paid where a councillor has necessarily incurred costs on travel or subsistence in carrying out any approved duty specified in Schedule 1 to this scheme.
12. The amount of travel and subsistence allowances payable shall be at the maximum levels payable to officers of the Council.
13. Mileage claims can be made for travel between home and the meeting place(s) but normally in no other circumstances.
14. When it is impossible or impractical to use public transport or a councillor's normal private transport then, with the prior approval of the Head of Legal and Democratic Services, the actual fare by taxi/private hire vehicle together with reasonable gratuity (up to 10 per cent of the fare) will be paid on submission of a receipt.
15. In cases where prior approval was not sought or given, a claim for mileage by private car can be made. In cases of urgency retrospective approval can be requested of the Head of Legal and Democratic Services.

16. Claims must be made on the correct form, signed, and sent to democratic services.

Carer's Allowance

17. A carer's allowance shall be paid where a councillor has necessarily incurred expenditure for the care of one or more children or a dependent relative whilst undertaking any of the approved duties specified in Schedule 1 to this scheme. This allowance shall cover actual costs incurred up to the following hourly limits and include a reasonable time for travel and 15 minutes for hand-over:

Childcare	£6 per hour
Dependent Relative Care	£17 per hour

18. Claims are not restricted to care provided by formal carers but every claim must be supported by a receipt or invoice.

19. Any amount above the maximum cost will only be paid in exceptional circumstances.

20. A councillor cannot claim for more than one carer at the same time.

Payment of basic allowances and SRAs

21. Councillors wishing to claim such allowances must supply payroll with such information as is required to permit payments to be made by BACS and tax and national insurance to be deducted. Any councillor not supplying these details within three months of election will be deemed to have elected to forego their entitlement to such allowances.

22. Any councillor may elect to forego any part of their entitlement to allowances under this scheme. If a councillor does not want to be paid their basic allowance or SRA they must inform the Head of Legal and Democratic Services in writing.

23. If a councillor later wishes to start being paid a basic allowance or SRA they must inform the Head of Legal and Democratic Services in writing. They may not claim for more than three month's backdated allowances.

24. A councillor who has elected to forego all or part of his/her basic allowance and/or SRA is still entitled to claim travel, subsistence, and carer's allowances.

Withholding of allowances

25. In cases of suspension or partial suspension from duties in accordance with Part 3 of the Local Government Act 2000 all of a councillor's allowances in relation to the duties to which the suspension applies will cease for the period of the suspension/partial suspension.

Part year entitlements and when allowances start

26. Where a councillor becomes or ceases to be a councillor, or accepts or relinquishes any special responsibility for which an allowance is paid, allowances will be paid pro-rata to the number of days during the financial year in which he was a councillor or held the special responsibility.
27. The Chairman and Vice-Chairman of Council shall receive the appropriate SRA from the day of his/her election, ending on the day of the next annual meeting of the Council.
28. The chairman of a committee shall receive the appropriate SRA from the day of his/her election, ending on the day of the first meeting of a committee in the municipal year where the new chairman is elected.
29. The Leader of the Council shall receive the appropriate SRA from the day of his/her election as Leader until the day of the next post-election annual meeting.
30. A councillor who is nominated as a Cabinet member or Deputy Leader shall receive the appropriate SRA from the date that the Leader states that their responsibility starts. The allowance shall cease on the date that the Leader states that their responsibility ends, or they resign the post, or cease to be a councillor, or for any period of suspension.
31. In an election year, all SRAs except that paid to the Chairman of Council will cease on the fourth day after the date of the election.

Claims and payments

32. Councillors must ensure they only claim travel, subsistence and carer's allowances from one body or organisation for any one meeting.
33. Any claim for payment of travel, subsistence and carer's allowances under this scheme should be made in writing on the correct claim form within two months of the date of the duty to which the claim relates.
34. Private mileage claims will not be paid unless supported by a VAT receipt for petrol. Other claims will not be paid unless dated receipts confirming the expenditure incurred are provided.
35. Basic allowances and SRAs will be paid monthly in instalments of one-twelfth of the annual amount payable. Payments will be made by BACS on the same date as officers are paid. Travel and subsistence claims will be paid along with the basic allowances and SRAs.

Pensions

36. Councillors are not eligible to join the local government pension scheme.

Publicity

37. As soon as practicable after 1 April each year the Head of Legal and Democratic Services will make arrangements for the publication of the total paid to each councillor and co-opted member in each category of allowance in the preceding financial year.

Review of the Scheme

38. The Local Authorities (Members Allowances)(England) Regulations 2003 S21(e) states that the adjustments to the level of allowances may be determined according to an index, subject to a maximum of four years before its application is reviewed.

39. For four years after this scheme is adopted, allowances payable under this scheme may be increased on 1 April each year subject to Council decision.

40. Basic allowances and SRAs may be increased by the percentage chosen by central government to uprate the state pension.

41. Travel and subsistence allowances may be increased to the maximum rates payable to officers of the Council.

SCHEDULE 1 – APPROVED DUTIES FOR THE PURPOSES OF PAYMENT OF TRAVEL, SUBSISTENCE, AND CARER’S ALLOWANCES

Authorisation

1. The Head of Legal and Democratic Services has the authority to approve or refuse any claim.

Meetings – general provision

2. Attendance at any meeting, the holding of which is authorised by the council or a committee or sub-committee or panel, provided that it is a meeting to which members of at least two political groups have been invited.

Council and committee meetings

3. Attendance:

- (a) at a meeting of the Council or a committee or sub-committee or panel of which the councillor is a member or acting as a substitute member;
- (b) at a meeting of a committee or sub-committee or panel where the councillor is attending to represent the views of their ward on a report relating to that ward, or to represent the views of their political group;

4. **but not where** the purpose is merely to observe and not to take part in the meeting.

- (a) by ward councillors at formal visits of a committee accompanied by an officer to a site or event;

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Events organised or promoted by the authority

5. Attendance at:

- (a) training events, seminars and presentations organised by the council;
- (b) attendance previously approved by the Head of Legal and Democratic Services at training events not organised by the council, conferences, seminars and tours

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Meetings with officers

6. Attendance at:

- (a) a meeting of one or more councillors called in pursuance of any function of the Council;

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- (b) a meeting in company with an officer at the council offices or elsewhere (but not purely in relation to ward matters);
- (c) a meeting of a councillor in receipt of a special responsibility allowance (or their deputy) with an officer in relation to the functions for which they receive that allowance, including briefing meetings;
- (d) a meeting for the opening of tenders where such attendance is required by the Council's Constitution;
- (e) a meeting of councillors and officers with other principal authorities.

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Meetings outside the council

7. Attendance:

- (a) at properly convened meetings of outside organisations, after appointment by the Leader or Council to those organisations and when acting as a representative of the Council;
- (b) at a meeting of any association of authorities of which the Council is a member;
- (c) solely in the capacity of district councillor at parish and town council meetings within the relevant councillor's ward. Where the councillor is also a parish/town or acting as a county councillor, no allowance shall be paid.

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Other duties

- 8. Any other duty approved by the Head of Legal and Democratic Services for the purpose of, or in connection with, discharging the functions of the Council or its committees.

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Cases where no allowance can be claimed, unless an officer of the council has formally requested the councillor to attend to represent the council:

- 9. travel as a result of working on ward business, local issues, or individual casework;
- 10. attendance at school governing bodies;
- 11. political group meetings including meetings of more than one group;
- 12. events of a primarily social nature, unless this is a duty undertaken by the Chairman or Vice-Chairman of Council in their official capacity;

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Cases where no allowance can be claimed:

13. any duty where the allowance should properly have been claimed from another body;
14. visits to sites before committee meetings other than those organised and attended by a council officer;
15. duties of a party political nature;
16. attendance at meetings within the councillors own ward on business relating only to that ward.

PART 7: MANAGEMENT STRUCTURE

Management structure

1. The council's management structure, which is shared with Vale of White Horse District Council, is based on a chief executive who, together with three strategic directors, forms the management team.
2. Currently, each member of the management team is responsible for service areas, as follows:

Chief executive	head of paid service, electoral registration officer and returning officer
Strategic director and Chief Section 151 Officer (officer with responsibility for finance)	Finance HR, IT and customer services
Strategic director	Corporate strategy Leisure, economy and property
Strategic director	Housing and health Legal and democratic services Planning

3. Heads of service are responsible for functions as set out below:

Corporate strategy	CCTV Climate change and sustainability Communications Community grants Community strategy Equalities Grounds maintenance Health and safety of staff One stop shops Partnerships Waste management and street cleansing Youth development Rural transport partnership
Economy, Leisure and Property	Arts development and culture Car Parks – operations and management Countryside and rural issues Economic development Foxhall Manor Park Housing Act works

	<ul style="list-style-type: none"> Land drainage Public conveniences Sports development and recreation
Finance	<ul style="list-style-type: none"> Accountancy Audit Concessionary fares Insurance Payroll Revenues and benefits Sundry debts Treasury management
Health and housing	<ul style="list-style-type: none"> Air quality management All of the council's functions relating to housing including homelessness Contaminated land Dog warden Drinking water quality Environment wardens Food safety Health and safety at work Health promotion Home energy conservation Infectious diseases Noise monitoring Pest control
HR, IT and customer services	<ul style="list-style-type: none"> Data protection issues Emergency planning Employee relations Freedom of information GIS data capture Information technology development and support Performance management Recruitment and selection of staff Risk management Staff welfare and development Street naming and house numbering Training and development
Legal and democratic	<ul style="list-style-type: none"> Committee management Community safety Contract drafting and procurement advice Councillors' allowances Councillors' services and support Elections Electoral registration

Legal advice to the corporate centre –
decision making, corporate
governance
Licensing
Licensing of taxis, private hire
vehicles
Litigation
Local land charges
Property work
Town & parish council support

Planning

Building control regulations
 Dangerous structures
 Access issues
Conservation
Development control
Enforcement and appeals
Forestry
Planning policy

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Page 346: [68] Formatted	JENTHO	14/05/2012 12:57:00
Indent: Left: 0 cm, Numbered + Level: 3 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2.86 cm + Tab after: 3.49 cm + Indent at: 3.49 cm, Tabs: 0.63 cm, List tab + Not at 3.49 cm + 3.81 cm		
Page 346: [69] Formatted	JENTHO	14/05/2012 12:57:00
Indent: Left: 0 cm, Bulleted + Level: 2 + Aligned at: 3.81 cm + Tab after: 4.44 cm + Indent at: 4.44 cm, Tabs: 0.63 cm, List tab + Not at 3.18 cm		
Page 346: [70] Formatted	JENTHO	14/05/2012 12:57:00
Indent: Left: 0 cm, Bulleted + Level: 2 + Aligned at: 3.81 cm + Tab after: 4.44 cm + Indent at: 4.44 cm, Tabs: 0.63 cm, List tab + Not at 3.18 cm		
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Indent: Left: 0 cm, Bulleted + Level: 2 + Aligned at: 3.81 cm + Tab after:
4.44 cm + Indent at: 4.44 cm, Tabs: 0.63 cm, List tab + Not at 3.18 cm