

Council



Listening Learning Leading

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Date: 13 July 2016

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Summons to attend a meeting of Council

to be held on

THURSDAY 21 JULY 2016 AT 6.45 PM

at

**THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD**

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MARGARET REED
Head of Legal and Democratic Services

Note: Please remember to sign the attendance register.

Agenda

Map

A map showing the location of Howbery Park is attached, as is a plan showing the location of the Fountain Conference Centre on the Howbery Park site.

1 Apologies

2 Minutes of the previous meeting (Pages 6 - 18)

To adopt and sign as a correct record the minutes of the Council meeting held on 12 May 2016 (attached).

3 Declaration of disclosable pecuniary interest

To receive any declarations of disclosable pecuniary interests in respect of items on the agenda for this meeting.

4 Chairman's announcements

To receive any announcements from the chairman.

5 Questions from the public and public participation

6 Questions under Council procedure rule 34

None.

7 Review of the council's constitution (Pages 19 - 121)

To consider the report of the head of legal and democratic services on proposed changes to the council's constitution attached.

8 Appointment of electoral registration officer and returning officer (Pages 122 - 125)

To consider the report of the head of legal and democratic services on the appointment of the council's electoral registration officer and returning officer with effect from 1 September 2016 attached.

9 Application for voluntary redundancy

The Joint Staff Committee met on 12 July 2016 to consider the confidential report of the chief executive on a request for voluntary redundancy. The report and recommendation of the Joint Staff Committee was circulated to all councillors following the meeting.

Council is invited to consider the recommendation of the Joint Staff Committee.

RECOMMENDATION: To agree to the voluntary redundancy of Steve Bishop effective from 31 December 2016.

10 Report of the Leader of the council

To receive any updates from the Leader of the council.

11 Motions under Council procedure rule 41

To receive the following notice of motion under Council procedure rule 41.

Motion to be proposed by the Chairman, Paul Harrison.

We are proud to live in a diverse and tolerant society. We believe that hate crimes have no place in our country, whether they are based on race, religion, sexual orientation, age, disability or gender identity. South Oxfordshire District Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

We reassure all people living in South Oxfordshire that they are valued members of our community.

MARGARET REED

Head of Legal and Democratic Services



Birmingham airport


B4009 Watlington
M40 J6

A4074 Oxford


A4130 Didcot




Sat Nav: OX10 8BA


Brightwell

Benson

Wallingford

Centre for Ecology & Hydrology
South Oxfordshire District Council

Crowmarsh Gifford

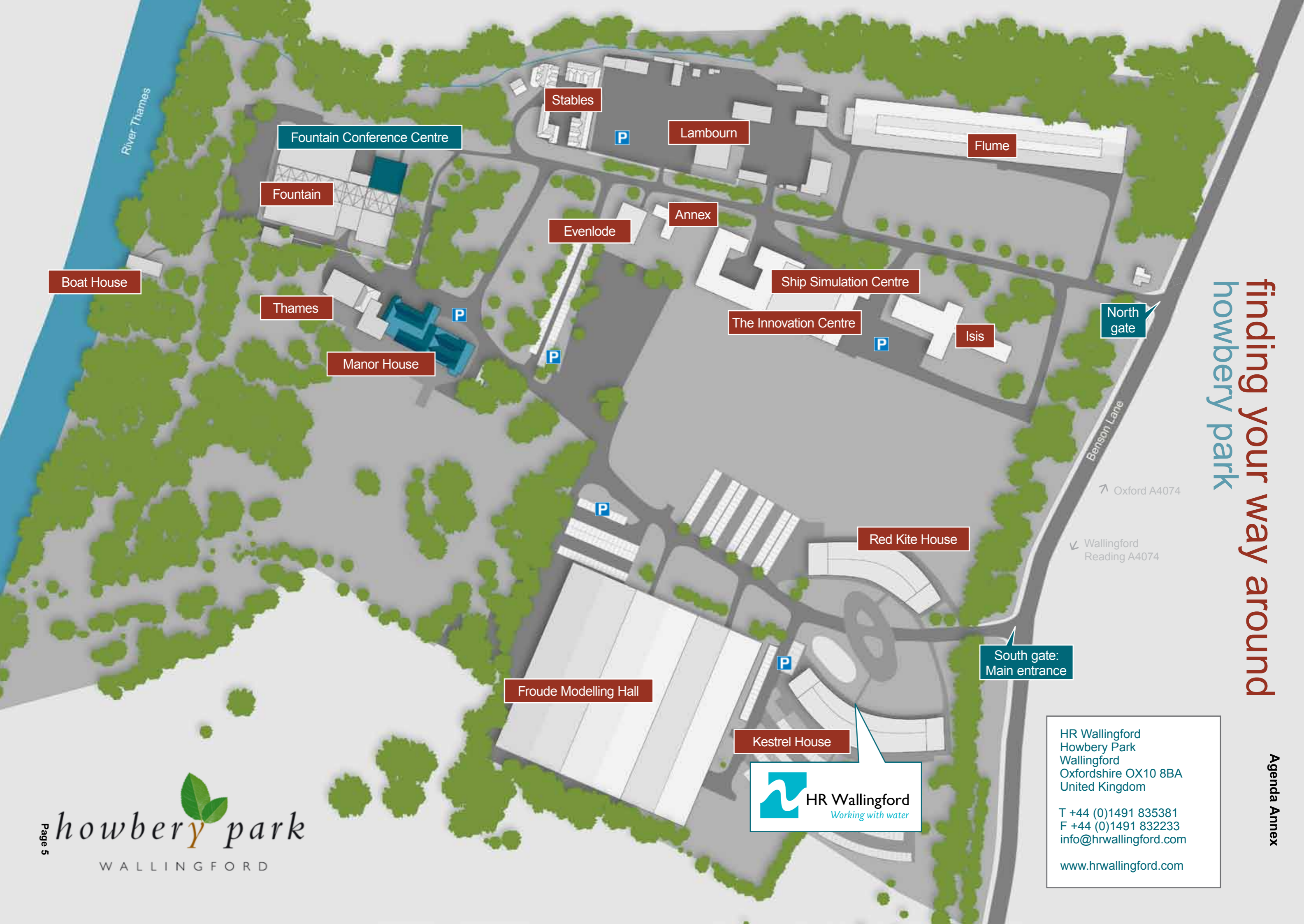
A4130 Henley
M40 J4 

A4074 Reading


London Heathrow


Agenda Annex

finding your way around
howbery park



North gate

South gate:
Main entrance

↑ Oxford A4074

↓ Wallingford Reading A4074

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Minutes

OF THE ANNUAL MEETING OF

Council



Listening Learning Leading

HELD AT 6.00PM ON THURSDAY 12 MAY 2016

AT THE FOUNTAIN CONFERENCE CENTRE, HOWBERY PARK,
CROWMARSH GIFFORD OX10 8BA

Present

Margaret Turner (Chairman)

Paul Harrison, Anna Badcock, Charles Bailey, Joan Bland, Felix Bloomfield, Nigel Champken-Woods, Steve Connel, Margaret Davies, Pat Dawe, Anthony Dearlove, David Dodds, Stefan Gawrysiak, Elizabeth Gillespie, Will Hall, Tony Harbour, Lorraine Hillier, Elaine Hornsby, Sue Lawson, Lynn Lloyd, Imran Lokhon, Jeannette Matelot, Jane Murphy, Anthony Nash, Toby Newman, David Nimmo-Smith, Richard Pullen, Bill Service, Robert Simister, Alan Thompson, David Turner, John Walsh and Ian White

Apologies:

Apologies for absence were submitted on behalf of Kevin Bulmer, John Cotton and Stephen Harrod

Officers: Steven Corrigan, Andrew Down and Margaret Reed

1 Election of chairman

Mrs Turner reviewed her year as chairman of the council, thanked councillors for all their support and her escort, vice-chairman and officers for their assistance during the year.

Mrs Murphy and Mr Turner paid tribute to Mrs Turner in recognition of her work as chairman of the council during the past year.

RESOLVED: to appoint Mr P Harrison as Chairman of the council for the ensuing year.

Mrs Turner presented Mr Harrison with the chain of office.

Mr Harrison read out the oath of office, signed his declaration of acceptance of office, presented Mrs Turner with the past Chairman's badge and made an acceptance speech. He provided details of his charities for the forthcoming year - Ministry Aviation Fellowship, British Heart Foundation and British Liver Trust.

Mr Harrison in the chair.

2 Appointment of vice-chairman

Mrs Matelot was nominated as Vice-Chairman.

RESOLVED: to appoint Mrs Jeanette Matelot as Vice-Chairman of the council for the ensuing year.

The chairman presented Mrs Matleot with the vice-chairman's chain of office.

Mrs Matelot read out the oath of office, presented the escort's badge to Mr Green, signed her declaration of acceptance of office and made an acceptance speech.

3 Minutes of the previous meeting

RESOLVED: to approve the minutes of the meeting held on 14 April 2016 as a correct record and agree that the Chairman sign them as such.

4 Declaration of disclosable pecuniary interest

None.

5 Chairman's announcements

The chairman provided housekeeping information.

Council agreed to suspend council procedure rule 80 insofar as it requires councillors to stand when speaking at Council meetings.

6 South Oxfordshire Local Plan 2032 - vision, objectives and housing supply target

In the absence of John Cotton, Leader of the council and Cabinet member for planning policy, Elizabeth Gillespie advised that John Cotton took a decision on 3 May 2016 to provide a working assumption on housing numbers and to clarify the direction, through the vision and objectives, of the emerging Local Plan 2032. This decision would provide the basis for the next stage of public consultation on the emerging plan, known as the draft Preferred Options, which is scheduled for June 2016.

She drew councillors' attention to a briefing note, circulated prior to the meeting and attached to these minutes, which explained changes to Appendix B and paragraph 18 of the background paper to the decision made by John Cotton, Cabinet member for planning policy. These changes and the revised recommendation had been considered and agreed by John Cotton.

Council agreed to remove reference to Didcot as a market town in Appendix A.

Whilst the majority of councillors supported the revised recommendations a number expressed the view that they could not do so without details of the proposed major strategic housing allocation site for 3,500 houses referred to in Appendix B. A motion moved by David Turner and seconded by Margaret Davies, to refer the matter back to Cabinet for further consideration and inclusion of the proposed site in the document, on being put, was declared lost.

RESOLVED: to

1. retitle the council's emerging Local Plan as Local Plan 2032;
2. endorse the vision and objectives set out at Appendix A of the report attached to the Council agenda for the meeting on 12 May 2016 subject to the deletion of references to Didcot as a market town; and
3. endorse the housing supply target of 19,500 homes over the plan period 2011-2032 as set out in the revised Appendix B, and the distribution of housing as set out under revised paragraph 18 attached to the minutes of the Council meeting held on 12 May 2016.

7 Appointments to committees, panels and joint committees for 2016/17

Council considered the report of the head of legal and democratic services on the appointment of those committees and joint committees which are required to be politically balanced together with the Communities Capital Grant Scheme Panel, the Licensing Acts Committee and appointments to joint bodies.

RESOLVED: to

1. appoint the following committees, joint committees and panels for the 2016/17 year and to appoint the membership, substitutes and chairmen as indicated to sit on them:

Names	Planning Committee, 11 Members
Conservative (9)	Opposition Forum Group (2)
Joan Bland	Margaret Davies
Felix Bloomfield (Chairman)	David Turner
Anthony Dearlove	
Toby Newman	
David Nimmo-Smith	
Jeannette Matelot	
Richard Pullen	
Margaret Turner	
Ian White	
SUBSTITUTES	
Conservative (9)	Opposition Forum Group (1)
Charles Bailey	Stefan Gawrysiak
Paul Harrison	
Stephen Harrod	
Lorraine Hillier	
Elaine Hornsby	
Sue Lawson	
Imran Lokhon	
Vacancy	
Vacancy	

Names	Scrutiny Committee, 9 Members
Conservative (8)	Opposition Forum Group (1)
Paul Harrison	David Turner
Elaine Hornsby	
Sue Lawson	
Jeannette Matelot	
Richard Pullen (Chairman)	
Toby Newman	
John Walsh	
Ian White	
SUBSTITUTES	
Conservative (8)	Opposition Forum Group (2)
Joan Bland	Margaret Davies
Steve Connel	Stefan Gawrysiak
Pat Dawe	
Imran Lokhon	
Anthony Nash	
David Nimmo-Smith	
Bill Service	
Vacancy	

Names	Joint Scrutiny Committee, 5 Members
Conservative (5)	Opposition Forum Group (0)
David Dodds	
Richard Pullen (Co-Chairman)	
Toby Newman	
John Walsh	
Ian White	
SUBSTITUTES	
Conservative (5)	Opposition Forum Group (0)
Pat Dawe	
Sue Lawson	
Jeannette Matelot	
Bill Service	
Alan Thompson	

Names	Corporate Services Joint Scrutiny Committee, 2 Members
Conservative (1)	Opposition Forum Group (1)
VACANCY	Stefan Gawrysiak
SUBSTITUTES: All other councillors from the relevant political group.	

Names	Joint Audit and Governance Committee, 4 Members
Conservative (4)	Opposition Forum Group (0))
Charles Bailey	
Kevin Bulmer (Co-Chairman)	
Alan Thompson	
John Walsh	
SUBSTITUTES	
Conservative (4)	Opposition Forum Group (0)
David Dodds	
Paul Harrison	
Toby Newman	
Richard Pullen	

Names	Community Governance and Electoral Issues Committee, 6 Members
Conservative (5)	Opposition Forum Group (1)
Anthony Dearlove	Margaret Davies
Paul Harrison	
David Nimmo-Smith	
Bill Service	
Vacancy	
SUBSTITUTES	
Conservative (5)	Opposition Forum Group (2)
Charles Bailey	Stefan Gawrysiak
Felix Bloomfield	David Turner
Elaine Hornsby	
Toby Newman	
John Walsh	

Names	Joint Staff Committee, 3 Members
Conservative (3)	Opposition Forum Group (0)
John Cotton	
Lynn Lloyd	
Anthony Nash	
SUBSTITUTES	
Conservative	Opposition Forum Group (0)
The Leader may be substituted by another Cabinet member. Other members of the Committee may be substituted by any member of that Council's political group (executive or non-executive).	

Names	General Licensing Committee, 12 Members
Conservative (11)	Opposition Forum Group (1)
Joan Bland	Stefan Gawrysiak
Kevin Bulmer	
Nigel Champken-Woods	
Pat Dawe	
David Dodds (Chairman)	
Lorraine Hillier	
Sue Lawson	
Anthony Nash	
David Nimmo-Smith	
Bill Service	
Ian White	
SUBSTITUTES	
Conservative (10)	Opposition Forum Group (2)
Toby Newman	Margaret Davies
Vacancy	David Turner
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	

Names	Licensing Acts Committee, 12 Members
Conservative (11)	Opposition Forum Group (1)
Joan Bland	Stefan Gawrysiak
Kevin Bulmer	
Nigel Champken-Woods	
Pat Dawe	
David Dodds (Chairman)	
Lorraine Hillier	
Sue Lawson	
Anthony Nash	
David Nimmo-Smith	
Bill Service	
Ian White	

Names	Appeals Panel (NNDR and Housing), 5 Members
Conservative (5)	Opposition Forum Group (0)
Joan Bland	
Nigel Champken-Woods	
Pat Dawe	
Jeannette Matelot	
Anthony Nash	
SUBSTITUTES	
Conservative (5)	Opposition Forum Group (0)
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	

Names	Communities Capital Grant Scheme Panel, 9 Members
Conservative (8)	Opposition Forum Group (1)
Pat Dawe	Stefan Gawrysiak
David Dodds (Chairman)	

Paul Harrison	
Sue Lawson	
Imran Lokhon	
Jeanette Matelot	
Anthony Nash	
Alan Thompson	
SUBSTITUTES	
Conservative (8)	Opposition Forum Group (2)
Joan Bland	Margaret Davies
Vacancy	David Turner
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	
Vacancy	

2. (with no councillor voting against) allocate one of the Conservative group's seats on the Planning Committee and the Corporate Services Joint Scrutiny Committee to the Opposition Forum Group;
3. appoint Nigel Champken-Woods as the council's representative on the Oxfordshire Joint Health Overview and Scrutiny Committee and Lorraine Hillier as substitute;
4. appoint Ian White as the council's representative on the Thames Valley Police and Crime Panel;
5. authorise the head of legal and democratic services to make appointments to any vacant committee or panel and substitute positions in accordance with the wishes of the relevant group leader and any external appointments in consultation with the Leader of the Council;
6. authorise the head of legal and democratic services to amend the constitution as necessary to reflect the arrangements set out in this report.

8 Local Authorities (Members' Allowances) (England) Regulations 2003 - proposal to appoint a joint Independent Remuneration Panel

Council considered the report of the head of legal and democratic services on a proposal to appoint a joint independent remuneration panel.

RESOLVED: to

1. dissolve the existing independent remuneration panel with effect from the appointment of a joint independent remuneration panel;
2. appoint a joint independent remuneration panel with Vale of White Horse District Council to carry out reviews of the councillors' allowances schemes at both councils and make recommendations on any changes to the schemes to the relevant Council;

3. make the appointment of the joint independent remuneration panel effective until May 2020, one year after the 2019 district council elections;
4. authorise the head of legal and democratic services to make appointments to the joint independent remuneration panel, and advise councillors in due course of the outcome of the appointments process.

9 Appointment of chief executive

Council considered the report of the head of HR, IT and technical services and the recommendation of the joint Staff Committee on the appointment of a chief executive.

Lynn Lloyd, Chairman of the Joint Staff Committee, advised that 25 applications were received for the post of chief executive. Eight of these were selected for initial interviews with council leaders and four were then shortlisted for final interview. The final assessment took place on Tuesday 10 May with candidates seeing three different panels in the morning and having their final interviews in the afternoon. All four candidates gave a strong performance and the Joint Staff Committee reached a unanimous conclusion to offer the position to David Hill.

She thanked Andrew Down, Head of HR, IT and technical services, and Penna (HR consultants) for their work during the recruitment process.

RESOLVED: to

1. appoint David Hill shared chief executive of South Oxfordshire District Council and Vale of White Horse District Council on a salary of £140,000 per annum;
2. agree that the chief executive will be employed by South Oxfordshire District Council and placed at the disposal of Vale of White Horse District Council in accordance with the existing agreement between the two councils under section 113 of the Local Government Act 1972;
3. appoint the chief executive as each council's head of paid service with effect from the commencement of his employment;
4. authorise the head of HR, IT & technical services to finalise the terms and conditions of the contract of employment of the chief executive in accordance with the recommendations of the Joint Staff Committee;
5. authorise the head of HR, IT & technical services to make any necessary amendments to the councils' published pay policy statement arising from the agreed terms and conditions of appointment of the chief executive.

10 Appointment of independent person to advise on code of conduct complaints

Council considered the recommendation of the monitoring officer to appoint a person to fill the role of independent person following the resignation of Carole Burchett. The only applicant was Chris Smith, currently an Independent Person at Vale of White Horse District Council.

RESOLVED: to

1. appoint Chris Smith, as an Independent Person, until 30 September 2019;
2. authorise the monitoring officer, in consultation with the Cabinet member for Legal and Democratic Services, to confirm the appointment subject to receipt of satisfactory references.

11 Report of the leader of council

In the absence of the Leader of the council Jane Murphy, Deputy Leader, welcomed the appointment of the new chief executive and the potential savings arising from the anticipated management restructure.

12 Questions under Council procedure rule 34

None.

13 Motions under Council procedure rule 41

None.

14 Application for voluntary redundancy

Council considered the confidential report of the chief executive on a request for voluntary redundancy. The report and recommendation of the Joint Staff Committee were circulated to all councillors on 11 May.

Lynn Lloyd, Chairman of the Joint Staff Committee, advised that in light of plans to implement a slimmer and flatter management structure and in the expectation that the role of strategic director is highly unlikely to remain in the revised structure, Anna Robinson had asked that she be made redundant as of 30 September. As required by the council's officer employment procedure rules, all Cabinet members had been consulted about the recommendation. No objection was received. Vale of White Horse District Council had agreed the request at its annual meeting of Council on 11 May 2016.

At the request of the chairman Council formally put on record its thanks to Anna Robinson for her hard work over the last 11 years and wished her well for the future. She had made an important contribution to South Oxfordshire in her time with the council, particularly in promoting economic growth and securing significant funds to assist in the regeneration of Didcot.

RESOLVED:

To agree to the voluntary redundancy of Anna Robinson effective from 30 September 2016.

The meeting closed at 6.50 pm

Chairman

Item 7; South Oxfordshire Local Plan 2032 – vision, objectives and housing supply target.

Changes to Appendix B and paragraph 18.

Since writing the report officers recognise that it is important to be consistent with other published housing data and to fix a date (31 March 2016) for assessing housing completions and commitments (permissions and adopted allocations). In addition, it is necessary to clarify the balance of the Core Strategy’s larger village allocation of 1,154 houses, as some larger villages have allocated land for housing through neighbourhood plans and/or planning permission has been granted.

This has meant a recalculation of the figures in Appendix B and a clarification of the definitions set out in para.18. (revisions set out below)

The recalculations show a reduction in our identified supply (commitments i.e. planning permissions) at 31 March 2016 and an increase in the percentage of new supply to the towns, larger villages and smaller villages. Officers have also set out the balance of the undelivered larger village allocation. The overall balance of new housing supply is now +497 rather than previously stated +522 homes.

The cabinet member for planning policy has considered and agrees this revision to Appendix B and para 18. of the attached report to your council papers and recommends these changes are agreed by council at today’s meeting.

Revised recommendation

That Council agrees to;

- i) retitle our emerging Local Plan as Local Plan 2032,
- ii) endorse the vision and objectives set out at Appendix A of the attached report to your council papers, and
- iii) endorse the housing supply target of 19,500 homes over the plan period 2011-2032 as set out in the revised Appendix B, and the distribution of housing as set out under revised para. 18 of the attached report to your council papers.

REVISED paragraph 18 from background report to decision by cabinet member for planning policy

The proposed supply strategy (31 March 2016) and distribution of housing is set out on the basis of:

- a major strategic housing allocation
- 10% increase in the number of dwellings (existing (2011) plus completions and commitments) at Thame and Wallingford,
- 10% increase (based on the number of existing dwellings (2011) plus completions and commitments) in the larger villages

- the balance of the Core Strategy allocations for the Larger Villages that have not been completed or committed
- 5% increase (based on the number of existing dwellings (2011) plus completions and commitments) in the smaller villages
- redevelopment of two brownfield sites

REVISED Appendix B –

DRAFT HOUSING DISTRIBUTION AT 31 MARCH 2016 – SOLP 2032

Housing Target

SHMAA OAN (750) x 21 years	15,750	
Allowance for Oxford's unmet need	3,750	
Total requirement		19,500

Less Identified Supply

Completions 2011 - 16	2,629	
Commitments at 31.03.16	8,795	
Total identified supply		<u>11,424</u>
Balance to be identified in SOLP 2032		8,076

New Supply to Meet Balance

10% Increase in towns and larger villages*

Thame	594	
Wallingford	428	
Larger villages	1,759	

Remainder of Core Strategy minimum

1,154 requirement carried forward** 707

Smaller villages (+5%)* 785

Major strategic housing allocation 3,500

Allocation of brownfield sites

Oxford Brookes University, Wheatley	300	
Culham No 1 Site	500	

Total new supply in SOLP 2032 **8,573**

Total dwelling provision balance **+497**

*Settlement size is calculated using the number of dwellings in the 2011 Census plus all completions and commitments between 1 April 2011 and 31 March 2016.

**This is calculated by deducting the numbers for larger villages that have delivered their individual minimum requirement that was identified for them and agreed by Cabinet, 25 September 2013.

Council



Listening Learning Leading

Report of Head of Legal and Democratic Services

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To: COUNCIL

DATE: 21 July 2016

Review of the constitution

Recommendations

That Council:

1. notes the further work done by the Joint Constitution Review Group and the intention to bring forward further revisions of the council's constitution for consideration by Council;
2. notes the ongoing overall approach of the review group to develop "mirror" constitutions with Vale of White Horse District Council and commonality of wording where possible;
3. approves the revised contracts procedure rules attached as appendix one to this report for inclusion in the constitution with effect from 1 August 2016;
4. approves the revised scheme of delegation to officers attached as appendix two to this report for inclusion in the constitution with effect from 1 August 2016;
5. authorises the Head of Legal and Democratic Services to update the proper officer and authorised officer appointments section of the constitution to reflect the revised scheme of delegation;
6. approves the councillors' planning code of practice attached as appendix three to this report for inclusion in the constitution with effect from 1 August 2016;
7. approves the revised petition scheme attached as appendix four to this report for inclusion in the constitution with effect from 1 August 2016;
8. authorises the Head of Legal and Democratic Services to make any minor or consequential amendments to the constitution for consistency and to reflect the councils' style guide.

Purpose of Report

1. To consider proposed amendments to the constitution and amendments to the contracts procedure rules, scheme of delegation, councillors' planning code of practice and petition scheme.

Strategic Objectives

2. The constitution underpins all of the council's areas of activities and, therefore, contributes to the achievement of all its strategic objectives.

Background

3. A full constitution review is currently being undertaken in pursuance of the requirements of Section 37 of the Local Government Act 2000 to keep the constitution under review. The purpose of this review is to make the constitution more user-friendly and accessible, bring it up to date and to achieve, as far as possible, "mirror" constitutions for this council and Vale of White Horse District Council for the benefit of users who operate in or with both councils.
4. Where there are no political issues or essential differences, wording will be the same at both councils. Differences will be found under "mirror" sections. This will enable both councils to retain their own political priorities and local flavours whilst improving the user-friendliness of the documents. The approach will affect the order and structure of both constitutions and will be in a new format. Sections on committees will become self-contained, a particular benefit to councillors, officers and public users. The full constitution will come to Council for consideration later in the year, but there are some more time critical items which will be brought to Council as required.
5. The Joint Constitution Review Group meets regularly to consider issues. This group comprises councillors Toby Newman, David Turner and Ian White plus three Vale of White Horse district councillors. Officers from legal and democratic Services support and advise the group. Additional councillors (eg chairmen and Cabinet members) together with specialist officers, attend the group as required. Items within this report have been agreed by the Review Group and group members have also consulted within their own political groups.
6. At its meeting in December 2015, Council approved revised scrutiny call-in arrangements and revised Officer Employment Procedure Rules which came into effect on 1 January 2016. Since December the Review Group has reviewed the contracts procedure rules, scheme of delegation, planning code of good practice and petition scheme. Further work is underway on a summary and explanation of the constitution, the Council and committee procedure rules and the remaining elements of the constitution and recommendations on these will be brought to a future Council meeting.

Contracts procedure rules

7. The Review Group has considered updated contracts procedure rules that take into account increased use of electronic forms of tendering and an online portal for procurement. They also allow officers or a "validator" (a person independent from the purchasing or audit process on the procurement, for example an employee in

Capita's procurement team) to open tenders. There are no fundamental changes. The Review Group recommends Council to approve the revised contracts procedure rules attached as appendix one to this report for inclusion in the constitution with effect from 1 August 2016.

Planning issues

8. The Review Group has reviewed the planning scheme of delegation, involving the Cabinet member for planning, the chairman of the Planning Committee and planning officers. Potential changes to the planning scheme of delegation are still under discussion and a harmonised scheme has not yet been agreed. No changes to ways of working with parishes are proposed at the present time. The main proposed changes to the scheme of delegation are:
 - Revisions to the ward councillor call-in process to incorporate ward councillors whose parish has been consulted
 - Updating of the treatment of applications where the council is landowner or which involve staff or councillors
 - Full delegation to deal with conditions and certificates of lawfulness
 - Full delegation in relation to planning enforcement
 - Simplification of delegated authority in tree enforcement
9. The Review Group recommends Council to approve the revised scheme of delegation to officers attached as appendix two to this report, including the proposed changes to the planning scheme of delegation, for inclusion in the constitution with effect from 1 August 2016.
10. In 2014 the council's constitution task group considered a councillors' planning code of practice which was prepared by the Oxfordshire monitoring officers and reflected the councillors' code of conduct and guidance in respect of bias and predetermination. Since then further changes have been made to reflect the comments of that task group and the current Review Group and to reflect changes included in a revised code issued by the Lawyers in Local Government Group.
11. The existence of such a code is designed to guide councillors and officers in the discharge of planning functions. It would also inform developers and the public generally of the high standards of ethical conduct adopted by the council in the exercise of its planning powers. Once in place it would be important that both councillors and officers adhere to the code; if they do not, planning decisions may be vulnerable to legal challenge and/or a complaint to the Local Government Ombudsman.
12. The proposed councillors' planning code of practice is attached as appendix three to this report and the Review Group recommends Council to approve it for inclusion in the constitution with effect from 1 August 2016.
13. The Review Group has also considered revised Planning Committee procedure rules but these will be brought to a future meeting along with revised procedure rules for Council and other committee meetings.

Scheme of delegation to officers

14. The Review Group has also reviewed the scheme of delegation to officers. The proposed changes include the changes to the planning scheme of delegation referred to above. Other changes include updates to legislation, changes for clarification, harmonisation of uncontentious processes across both councils and reallocation of duties arising from changes in responsibilities of heads of service.
15. The Review Group recommends Council to approve the revised scheme of delegation to officers attached as appendix two to this report, including the proposed changes to the planning scheme of delegation, for inclusion in the constitution with effect from 1 August 2016. Council is also asked to authorise the Head of Legal and Democratic Services to update the proper officer and authorised officer appointments section of the constitution to reflect the revised scheme of delegation.

Petition scheme

16. The Review Group has reviewed the council's petition scheme. It considered that the council should continue to offer a petition scheme but asked officers to simplify the scheme and delete reference to officers being held to account. It proposes that the harmonised scheme is based on the petition thresholds in the current Vale scheme.
17. The Review Group considered whether the councils could operate a joint petition scheme but felt that this could be confusing for the public. It therefore recommends that there is a separate scheme for each council, both based on the same wording apart from contact details. Both schemes will be included in the constitution document but this council's website page on petitions will include details of the South Oxfordshire's scheme.
18. The Review Group recommends Council to approve the revised petition scheme attached as appendix four to this report for inclusion in the constitution with effect from 1 August 2016.

Financial Implications

19. The democratic services budget for printing will meet the costs of producing copies of the amended constitution.

Legal Implications

20. Section 37 of the Local Government Act 2000 requires the Council to keep its constitution under review. Section 135 of the Local Government Act 1972 also requires the council to adopt standing orders relating to contracts and these need to be kept up to date.

Conclusion

21. This report sets out proposals to amend the constitution. Officers and the Review Group recommend Council to approve the proposed changes for implementation

from 1 August 2016 and to authorise the head of legal and democratic services to make these changes and any further minor or consequential amendments.

Background Papers

- None

Appendix one

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.
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.
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:
 - 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.
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.

SECTION B - DEFINITIONS

7. In these contracts procedure rules the following words and phrases mean as follows:

"Approved list"

A list of contractors, approved by the cabinet or relevant cabinet member 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.

“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).
“Gateway review”	A review of all compliant procurement options and contracts available to the council.

“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.
“Portal”	Any e-tendering portal that has been chosen by the council for the purposes of e-commerce.
“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.
“Validator”	A person independent from the purchasing or audit process on the procurement, authorised to open the e-tenders on the Portal.

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 (including specific rules on advertising tenders)
 - (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 aggregated contract value of which exceeds the relevant EU 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.

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.

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.

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.

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.

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

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. **The contract shall** 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
- (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.
- (o) 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
- (p) **whether and how** 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.

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.
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.

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

Bonds and guarantees

25. If the contract value exceeds £75,000 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.
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

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.
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.

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.

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.

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.

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.

SECTION D - FINANCIAL LIMITS FOR QUOTATIONS OR TENDERS

33. The contract value determines which quotation or tendering requirements apply.

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;
- (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.

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.

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 **using the Portal**, 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.

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.
39. A summary of the financial limits and the application of contracts procedure rules are set out in appendix A.
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.
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.

SECTION E - STEPS PRIOR TO LETTING CONTRACTS

General requirements / Gateway review

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.

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.

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 capacityto fulfill the requirements of the council.

Pre-tender market research / Gateway review 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 **and from the procurement team.**

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 **(where the work is conducted through the Portal this will automatically be held)**

(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.

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 **may** be invited from **any of the following**:

- **open invitation via the Portal**
- contractors on approved lists
- 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. **If the lifetime value of the contract exceeds £5,000 then any open invitation to quote must be published via the Portal.**

59. The written quotations need not be received **at the same time** but should be considered **according to the same evaluation criteria**.

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 65, 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 (this will be automatic if the procurement is conducted via the Portal).
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.

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.
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.
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.
72. Unless a decision of the council or law requires otherwise, heads of service in consultation with the head of HR IT and technical 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) Crown Commercial Service buying consortia agreements
- This will constitute a contract Gateway review.
73. In selecting contractors invited to tender or awarding a contract, heads of service shall assess and evaluate the suitability of contractors.

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.
75. Tenders shall be invited from at least five contractors on the approved list for contracts of the type and value in question.
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.

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 **or Portal** which is linked to Contracts Finder
 - (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.
78. Contractors responding to the advertisement may be required to complete a pre-qualification questionnaire to provide a basis for selection, **unless they already have passed PAS91 or e-certis certification to a sufficient level for the tender.**
79. Tenders shall be invited from at least five contractors who respond to the advertisement under contract procedure rule 77
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 relevant cabinet member or a Committee.

Open procedure

81. The Contract shall be advertised:
- (a) on the council's website **or Portal**
 - (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.

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

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 relevant cabinet member or a committee.

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.

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.

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.

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).

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.

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.

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.

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.

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.
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.
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.
95. The Contract shall be advertised:
- (a) on the council's website **or Portal**
 - (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.
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.
97. On receipt of expressions of interest the cabinet or relevant cabinet member or a Committee shall select and invite a contractor to negotiate.

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.

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
- (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:
- (c) inviting the organisations within the Framework Agreement that are capable of executing the subject of the contract to submit tenders
- (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.
- (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 **technical** services must be consulted if it is proposed to use standards other than British or where appropriate European quality standards.

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:

- (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 **weighting** 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.

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

102. Award criteria must not include 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 Technical 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. Tenders opened from the Portal will be opened by the Validator at the appointed time on the system.

Hard copy/ 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 technical 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 technical services.

108. Electronic tenders shall be retained in a secure portal area until opened by the Validator.

109. Hard copy 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 technical 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.
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.

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.

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:

- (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.
- (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 relevant cabinet member or a committee.
- (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 relevant cabinet member 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 relevant cabinet member or a committee.

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 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 relevant cabinet member 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 or relevant cabinet member 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 relevant cabinet member 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 technical services shall keep a tenders register which every councillor may inspect at any reasonable time. **This will generally be held on the Portal.**

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;
 - (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.

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 or relevant cabinet member if the value exceeds £50,000. Before deciding whether to dispose of land or property the head of service or cabinet or relevant cabinet member shall consider a report setting out all relevant information, including the planning position, potential use, current or proposed development restrictions and estimated value.
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.
131. If land is sold by tender, the procedures in section G shall apply.
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.
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.
134. Heads of Service may enter into negotiations for Land Disposals and Land Acquisitions provided that:
- (a) all necessary consents, budgetary approvals and cabinet or relevant cabinet member, 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.
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.

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.

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.

Records of exceptions

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

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.

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:

- (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.

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.

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.

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.

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.

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.

Exceptions authorised by the cabinet or relevant cabinet member or committee

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

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 **or Portal**
- (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 relevant cabinet member 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.

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.

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.
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 a Scrutiny Committee.

Appendix A
Application of contracts procedure rules requirements

Contract Value	One Written quotation	Three Written quotations	Tenders	Tenders Opened by officers or Validator	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	Yes	Optional	N/A
£10,001 - £75,000	No	Yes	Optional	Yes	If within Budget	If exceeds Budget	Yes	Optional	N/A
£75,001 - EUT	No	No	Yes	Yes	No	Cabinet member	No	Yes	Risk Assessment must be carried out
Over EUT	No	No	Yes/EU	Yes	No	Cabinet or relevant cabinet member or committee	No	Yes	Risk Assessment must be carried out

APPENDIX TWO

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.	Relevant cabinet member (executive functions) or chairman of the relevant committee or the council (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	Relevant cabinet member
1.6	To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council.	

Ref	Function	Consultation (where applicable)
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 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.	

Ref	Function	Consultation (where applicable)
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 than high court proceedings or above) relating to any matters within their area of responsibility.	Head of legal and democratic 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.	

Ref	Function	Consultation (where applicable)
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, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.	Head of HR, IT and technical services and head of legal and democratic services on any applications for exemptions
3.14	To sign statements of truth on behalf of the council under the civil procedure rules 1998.	
3.15	To make planning applications including listed building, conservation area and advertisement consents, and footpath diversion or tree preservation orders.	Relevant cabinet member in the case of major projects
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
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.	

Ref	Function	Consultation (where applicable)
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 where the additional duties of responsibilities are shared by one or more employees.	Head of HR, IT and technical 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 technical services if above £500
4.9	To authorise contractual salary progression within career graded posts.	
4.10	To authorise the working and payments to employees for standby duties and for overtime .	
4.11	To approve applications for annual, compassionate or other leave .	
4.12	To determine applications for special leave with full pay .	
4.13	To enter into apprenticeship or similar agreements.	
4.14	To determine applications from officers graded senior officer and above for permission to take up secondary employment .	
4.15	To authorise the reimbursement of employees for essential additional expenditure incurred by them in carrying out their duties.	

Ref	Function	Consultation (where applicable)
4.16	To formally discipline staff in strict accordance with the any disciplinary procedures.	Head of HR, IT and technical services
4.17	To authorise time sheets, mileage and subsistence claims, and other expenses.	
4.18	To authorise the attendance by staff at meetings, training sessions, discussion groups, seminars, exhibitions and conferences.	
4.19	To give approval to staff to attend training courses and day release courses in pursuit of relevant professional or other qualifications.	
4.20	To grant paid leave of absence to staff for personal development or training purposes.	
4.21	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 technical services
4.22	To approve permanent additions to the establishment , which will come forward as an essential growth bid.	Head of paid service, section 151 officer, leader of council and Cabinet member for finance
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.	

Ref	Function	Consultation (where applicable)
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 any other organisation and all ancillary provisions contained within any schedules of any deeds relating to any matter within their area of responsibility	Head of legal and democratic services
6.3	To sign on the council's behalf any contract for works, good or services.	
6.4	To approve an additional on-going budget of the lesser of £50,000 or 20% of the contract price if following the tendering of a contract, the new contract sum is greater than the approved budget. This would subsequently come forward as an essential growth bid.	Chief executive, section 151 officer, leader of council and Cabinet member for finance
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.	

Ref	Function	Consultation (where applicable)
7.5	To exercise powers delegated to the council under agency agreements or contracts with other councils.	
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.	
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 exceeding £10,000 being determined by the Audit and Governance Committee.	
1.4	To authorise the payment of recruitment and retention incentives .	
2.0	ASSETS OF COMMUNITY VALUE	
2.1	To determine or authorise another officer to determine a formal review requested by the landowner.	
3.0	MISCELLANEOUS	
3.1	To receive and deal with all Ombudsman complaints and authorise local settlements (LGA 1974 and S92 LGA 2000).	
3.2	To take any action considered necessary in an emergency .	Group leaders

Electoral registration officer and returning officer

(Elections and Electoral Registration)

ELECTORAL REGISTRATION OFFICER 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 officer 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	To make changes to polling districts and polling places where circumstances dictate that this is desirable.	Members of the Community Governance and Electoral Issues Committee and the relevant ward councillor(s)
1.5	Providing assistance at European parliamentary elections.	
1.6	Power to fill vacancies in office and giving notice of casual vacancies.	
1.7	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 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 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 treasury management investment strategy.	Cabinet member for finance

CHIEF FINANCE OFFICER (SECTION 151) OFFICER		
Ref	Function	Consultation (where applicable)
3.0	DEBT COLLECTION	
3.1	To authorise the writing off of any debt.	Cabinet member 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(c).LGFA 1992).	
4.3	To approve and submit the Council's national non-domestic rates 1 form (NNDR1) each year as required by the Local Government Finance Act 1988 (as amended by the Local Government Finance Act 2012).	Cabinet member for finance
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, environmental health, environmental protection, waste including waste strategy; grounds maintenance)

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
1.0	GRANTS	
1.1	To approve or refuse extensions for the take up of capital grants awards.	
1.2 (VALE ONLY)	To approve or refuse time extensions for the take up of new homes bonus grants awards.	
1.3 (VALE ONLY)	To approve festival and event grant awards of up to £1,000.	Cabinet member for corporate strategy
1.4 (SOUTH ONLY)	To approve grant awards of up to £1,000 for young achievers .	Cabinet member for grants
1.5	To change the percentage of a grant award in line with the grants policy.	Cabinet member for grants
1.6	To withhold or reduce a revenue grant for failing to meet the agreed targets.	Cabinet member for grants
1.7	To amend agreed targets relating to revenue grant awards.	
1.8 (SOUTH 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.	
1.9	To remove conditions on grants awarded.	
1.10	To decide to accept grant applications that do not meet all of the eligibility criteria .	
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).	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
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 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
4.2	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)	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
4.3	To authorise the service of any Notices and 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)	
5.0	BURIAL	
5.1	To grant exclusive rights of burial and sign the necessary certificate	
6.0	LEGAL PROCEEDINGS	
6.1	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 relevant council enforced legislation highlighted in sections 8.0 to 22.2 below.	
6.2	To exercise the council's powers to gather evidence and investigate under the Police and Criminal Evidence Act 1984.	
7.0	HOUSING STANDARDS, HOUSING GRANTS AND MOBILE HOMES	
7.1	To exercise the council's powers and duties under the Housing Act 1985 (as amended) and the Housing Act 2004 including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.2	To exercise the council's powers and duties under the Caravan Sites and Control of Development Act 1960 and the Mobile Home Act 2013 including determining all applications, licensing and registration functions, taking of enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
7.3	To determine applications for mandatory and discretionary grants for the provision, repair, maintenance, renewal or improvement of housing in accordance with the Housing Grants, Construction and Regeneration Act 1996.	
7.4	To determine applications for disabled facilities grants in accordance with the Housing Grants, Construction and Regeneration Act 1996.	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
7.5	To determine applications for Homes Repair Assistance for minor works in accordance with the Housing Grants, Construction and Regeneration Act 1996 .	
7.6	To determine applications for loans through the Flexible Home Improvement Loans Limited scheme.	
8.0	ENVIRONMENTAL PROTECTION, AIR QUALITY AND CONTAMINATED LAND	
8.1	To exercise the council's powers and duties under the Environmental Protection Act 1990 including taking enforcement action, service of notices, inspections, powers of entry, and appointment of inspectors.	
8.2	To exercise the council's powers and duties under the Pollution Prevention and Control Act 1999 including issuing and revoking Permits, taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.3	To exercise the council's powers and duties under the Environmental Act 1995 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.4	To exercise the council's powers and duties under the Control of Pollution Act 1974 and 1989 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.5	To exercise the council's powers and duties under the Clean Air Act 1993 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
8.6	To exercise the council's duties under the Licensing Act 2003 as the responsible authority for public safety and the prevention of public nuisance .	
9.0	ANTI-SOCIAL BEHAVIOUR	
9.1	To exercise the council's powers and duties under the Anti-Social Behaviour Act 2003 and the Anti-Social behaviour, Crime and Policing Act 2014 including	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	taking enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
10.0	FOOD SAFETY AND HYGIENE	
10.1	To exercise the council's powers and duties under the Food Safety Act 1990 including statutory powers of inspection and entry, service of notices, taking of enforcement action, and the appointment of inspectors.	
10.2	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 .	
10.2	To determine applications for certificates in connection with the export of food to certain foreign countries.	
11.0	HEALTH AND SAFETY	
11.1	To exercise the council's powers and duties under the Health and Safety at Work etc Act 1974 including statutory powers of inspection and entry, service of notices, taking enforcement action and the appointment of inspectors.	
12.0	NOTIFIABLE DISEASES	
12.1	To exercise the council's powers and duties under the Public Health (Control of Diseases) Act 1984 including powers of entry, service of notices, taking of enforcement action and the appointment of inspectors.	Medical officer/community physician
12.2	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.	
13.0	RATS AND MICE / PEST CONTROL	
13.1	To exercise the council's powers and duties under the Prevention of Damage by Pests Act 1949 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	inspectors.	
13.2	To take all necessary action to reduce the number of pigeons etc in any built up area in the district. (S.74 Public Health Act 1961).	
13.3 (SOUTH ONLY)	To approve the use of the council's contracted pest control service.	
13.4	In cases of hardship, to waive or vary the charges for pest control measures.	
14.0	SANITATION AND LAND DRAINAGE	
14.1	To exercise the council's powers and duties under the Public Health Act 1936 and the Public Health Act 1961 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
14.2	To exercise the council's powers and duties under the Local Government (Miscellaneous Provisions) Act 1976 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
14.3	To exercise the council's powers and duties under the Building Act 1984 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
15.0	CLEAN NEIGHBOURHOODS	
15.1	To exercise the council's powers and duties under the Clean Neighbourhoods and Environment Act 2005 including taking of enforcement action, service of notices, inspections, powers of entry, and the appointment of inspectors.	
15.2	To authorise town and parish council officers and staff nominated by the district council's contractors to implement the fixed penalty provisions of the Dogs (Fouling of Land) Act and the Clean Neighbourhoods and Environment Act 2005.	
15.3	To give authority to police community support officers to issue fixed penalty notices in respect of litter, dog fouling, graffiti and fly posting under the Clean	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
	Neighbourhoods and Environment Act 2005.	
16.0	SMOKING CONTROLS	
16.1	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.	
17.0	SUNDAY TRADING	
17.1	To exercise the council's powers and duties under the Sunday Trading Act 1994 , including taking of enforcement action, powers of entry and the appointment of inspectors.	
18.0	ANIMALS	
18.1	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.	
18.2	To exercise the council's powers and duties under The Dangerous Wild Animals Act 1976, The Pet Animals Act 1951, The Breeding of Dogs Acts 1973 and 1991, The Animal Boarding Establishments Acts 1964 and 1970, The Zoo Licensing Act 1981, and The Riding Establishments Acts 1964 & 1970 including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
19.0	STRAY DOGS AND KENNELS	
19.1	To discharge the council's statutory responsibilities in connection with stray dogs under the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 .	
19.2	To approve the use of the council's contracted dog warden service, dog boarding establishments, kennelling and veterinary services .	
19.3	In cases of hardship, to waive or vary the charges for collection of and kenneling of lost or stray dogs.	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
20.0	LOCAL AMENITY (OVERGROWN GARDENS)	
20.1	To serve Notice in respect of the condition of land and buildings (S.215 TCPA 1990)	
20.2	To serve notice in respect of information relevant to the S.215 procedure (S.330 TCPA 1990).	
20.3	To instigate powers to undertake clean up works in default of a Notice (S.219 TCPA 1990).	
20.4	To instigate legal proceedings under for failure to comply with a Notice (S.216 TCPA 1990).	
21.0	SCRAP METAL	
21.1	To exercise the council's powers and duties under the Scrap Metal Dealers Act 2013 including licensing and registration functions, taking of enforcement action, inspections, powers of entry and the appointment of inspectors.	
22.0	PRIVATE WATER SUPPLIES	
22.1	To exercise the council's powers and duties under the Water Industry Act 1991 including risk assessment functions (rechargeable), undertaking water sampling (rechargeable), taking of enforcement action, service of notices, inspections, powers of entry and the appointment of inspectors.	
22.2	To give authority to approved companies or organisations to carry out water sampling on behalf of the council under the Water Industry Act 1991 .	
23.0	LEISURE FACILITIES (INCLUDES LEISURE CENTRES, CIVIC CENTRES AND TOURISM FACILITIES)	
23.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the day to day management of all the council's leisure facilities.	
23.2	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 .	

HEAD OF CORPORATE STRATEGY		
Ref	Function	Consultation (where applicable)
23.3	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
23.4	To determine and take all necessary action in respect of the promotion of sports within the district.	
23.5	To procure approved capital investment projects for the leisure centres where the funding for such projects is in the council's approved capital programme.	Cabinet member for leisure

Head of finance

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

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.	

HEAD OF FINANCE		
Ref	Function	Consultation (where applicable)
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 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 .	
7.0	THE ARTS, INCLUDING THE CORNERSTONE	
7.1	To manage the council's non-contracted facilities and monitor and take all necessary action relating to the day to day management of all the council's arts facilities.	
7.2	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 arts facilities .	
7.3	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 arts facilities.	Head of legal and democratic services
7.4	To determine and take all necessary action in respect of the promotion of the arts within the district.	
7.5	To procure approved capital investment projects for arts facilities where the funding for such projects is in the council's approved capital programme.	Cabinet member for leisure
8.0	SAFEGUARDING	
8.1	In the absence of the strategic director (finance, HR, IT and technical and legal and democratic), to handle cases of abuse/suspected abuse in accordance with the council's safeguarding policy. (Nominated officer: Emma Dolman)	

Head of development and housing

HEAD OF DEVELOPMENT AND HOUSING		
Ref	Function	Consultation (where applicable)
1.0	HOUSING	
1.1	Allocation management of housing accommodation.	
1.2	To be responsible for the annual review of the statutory homelessness strategy .	Cabinet member for housing and strategic director
1.3	To discharge the council's statutory responsibilities for homelessness under the housing legislation.	
1.4	To carry out statutory section 202 reviews under the Housing Acts 1996 Parts 6 and 7 in accordance with legislation and guidance.	
1.5	To keep and maintain a housing register .	
1.6	To exercise the council's powers and duties under Housing Act 1996 Part VI (and the Localism Act 2011).	
1.7	To carry out the annual review of the statutory allocations policy .	
1.8	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.	
1.9	To provide information to any person on the housing register relating to himself.	
1.10	To allocate housing accommodation to those persons qualifying for accommodation in accordance with the council's approved allocation scheme and taking in to account equalities considerations under the Equalities Act 2010.	
1.11	To provide information about the council's allocation scheme to any member of the public.	

HEAD OF DEVELOPMENT AND HOUSING		
Ref	Function	Consultation (where applicable)
1.12	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.	
1.13	To determine applications for accommodation / assistance by former agricultural workers under the rent (agriculture) legislation.	
1.14	To determine the allocation of dwellings to local people who have housing needs .	
1.15	To determine claims and authorise payments for home loss and disturbance .	
1.16	To comment on bids from registered social landlords for funding .	Cabinet member for housing
1.17	To allocate sites for affordable housing development to registered social landlords.	Relevant strategic director and Cabinet member for housing
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.	
2.0	HOUSING RENEWAL / ASSISTANCE	
2.1	To exercise the powers conferred on housing authorities under the Regulatory Reform Order (Housing Assistance) (England & Wales) Order 2002 Article 3.	

HEAD OF DEVELOPMENT AND HOUSING		
Ref	Function	Consultation (where applicable)
2.2	To determine all applications for housing renewal and disabled facilities adaptations in accordance with the councils adopted policy.	
2.3	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	
2.4	To exercise the powers and duties of the council under the national assistance legislation.	

Head of HR, IT and technical services

(Car parks, contact services, emergency planning, facilities management, human resources, ICT, mobile home parks, organisational change, and street naming)

HEAD OF HR, IT AND TECHNICAL 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 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 .	
2.2	All responsibilities under the Freedom of Information Act 2000 and Environmental Information Regulations 2004 , 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	Head of legal and democratic services in respect of any applications for exemptions

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	publication scheme and disclose the information to applicants, providing it is not exempt under the Act.	
3.0	STREET NAMING AND NUMBERING	
3.1	To authorise the display and service of any Notice and authorise the naming of any street, or the 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
4.0	MOBILE HOMES	
4.1	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).	
4.2	To determine applications for the succession, transfer or exchange or sale of Mobile Homes (S.3 MHA 1983).	
4.3	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).	Cabinet member for technical services in the case of legal proceedings only (other than cases of rent arrears or urgency).
5.0	SEWERAGE AND LAND DRAINAGE	
5.1	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).	
5.2	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).	

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
5.3	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).	
5.4	To require works to be carried out relating to the disconnection of drains (S62 BA 1984).	
5.5	To authorise and serve any notice for the repair, maintenance and cleansing of any culvert (S.264 PHA 1936).	
5.6	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).	Cabinet member for technical services, except in cases of emergency or urgency.
5.7	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).	
5.8	To authorise and serve any notice for the maintenance of the flow of non-main river watercourses . (S.25 LDA 1991).	
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 pay and display car parks for the following purposes:	Cabinet member for technical services
	(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.	

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	(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 waive car park charges for Christmas and other special occasions.	Cabinet member for technical services
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.	
8.0	ASSETS OF COMMUNITY VALUE	
8.1	To decide whether to list or not to list an asset as an asset of community value.	
8.2	To determine a formal review requested by the landowner.	Strategic director for planning, housing and development
8.3	To determine landowner claims for compensation.	Strategic director for finance, HR, IT and customer services

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
9.0	SAFEGUARDING	
9.1	In the absence of the strategic director (finance, HR, IT and technical and legal and democratic), to handle cases of abuse/suspected abuse in accordance with the council's safeguarding policy.	
10.0	LAND AND PROPERTY MATTERS	
10.1	To manage the council's land and property portfolio.	
10.2	To authorise the following types of land and property transactions provided that: <ul style="list-style-type: none"> (i) in the case of paragraph (a), the consideration is the best that can reasonably be obtained unless a general consent of the Secretary of State applies; and (ii) all disposals shall be on the best financial terms unless otherwise agreed by the chief finance officer in consultation with the relevant Cabinet member. 	
	(a) To approve the freehold or leasehold sale of land and property where the land or property transaction is 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
	(b) To approve and accept surrenders or terminations of leases and licences and any ancillary documents 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 for property/head of legal and democratic services where the annual rental value exceeds £10,000

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
	(d) To grant new leases and tenancies up to an annual rental value limit of £50,000.	Cabinet member for property/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 and other rights of users in respect of council owned land or property.	Head of legal and 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.	Head of corporate strategy and head of planning
	(k) To serve notices required in relation to the acquisition, disposal, rental, leasing and management of land and property.	
	(l) To grant the consent of the council and agree to release covenants in respect of land and property matters including retrospective consents and consents under section 157 of the Housing Act 1985.	SOUTH ONLY
10.3	To acquire the freehold of leasehold land.	
10.4	To enter into easements, wayleaves and other licences on non-council owned land.	

HEAD OF HR, IT AND TECHNICAL SERVICES		
Ref	Function	Consultation (where applicable)
11.0	ECONOMIC DEVELOPMENT	
11.1	To award capital grants for economic development projects for which there is an approved budget.	
11.2	To carry out day to day management of the council's role as accountable body for the Oxfordshire LEADER programme , including the hosting of staff associated with the project.	

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 prepare any agreements, orders, directions, notices and other documents for the council.	
1.4	To accept service of any legal proceedings commenced against the council and any pleadings, notices and other documents relating to such proceedings.	
1.5	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 .	
1.6	To instruct counsel or outside solicitors to advise or otherwise assist the council in connection with any legal work of the council.	
1.7	To make road closure orders under the Town Police Clauses Act 1847.	
1.8	To authorise and make orders for the temporary closure of streets during public processions. (S.21 TPCA 1847).	
1.9	To grant wayleaves, easements, licences and other rights of use in respect of council property.	
1.10	To document rent reviews .	
1.11	To enter into agreements with developers in relation to proposed foul sewerage systems for estates.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
1.12	To enter into other legal agreements .	Relevant head of service
1.13	To initiate proceedings for the recovery of all sums due to the council.	
1.14	To institute proceedings for making anti-social behaviour orders .	
1.15	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.	
1.16	To be responsible for the authentication of any council documents .	
1.17	To be responsible for the common seal and for sealing any documents on behalf of the council.	
1.18	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.	
1.19	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.	
2.2	To update the Constitution to reflect changes in staff responsibilities.	
2.3	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
2.4	To approve attendance of councillors at seminars and conferences, training courses and any other events.	
2.5	To appoint members to task groups and panels.	Group leaders
2.6	To approve and make amendments to the calendar of meetings .	Group leaders

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
2.7	To approve up to two consecutive three-month periods of non-attendance at meetings by councillors with the agreement of group leaders.	Group leaders
2.8	To change committee memberships in accordance with the wishes of the group leader.	Group leader
3.0	LICENSING	
3.1	To determine all matters (including applications, variations, transfers, suspensions, terminations and revocations), exercise all statutory powers and carry out all functions for which the service is responsible 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).	Cabinet member for legal and democratic services and local ward councillor(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 exercise the council's powers and duties under the Licensing Act 2003 to take enforcement action, review licences, carry out inspections, exercise powers of entry, and appoint inspectors.	
3.5	To serve a counter notice in respect of temporary event notices .	
3.6	To determine applications for personal licences where there are no police objections and no unspent convictions.	
3.7	To determine applications for premises licences/club premises certificates , including variation and transfer applications where there are no valid representations.	
3.8	To determine applications for designated premises supervisors , including variations (and removal requests) where there are no police objections.	
3.9	To deal with applications for interim authorities where there are no police objections.	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
3.10	To decide whether a complaint is irrelevant, frivolous, vexatious, repetitious etc.	
3.11	To decide whether a representation is a valid representation.	
3.12	To decide on behalf of the authority that a hearing is not necessary when all relevant persons so agree.	
3.13	To determine applications for gambling premises licences , including variation and transfer applications where no representations have been received or representations have been withdrawn.	
3.14	To determine applications for provisional statements where no representations have been received or representations have been withdrawn.	
3.15	To determine applications for club gaming / club machine permits where no objections have been made or objections have been withdrawn.	
3.16	To cancel licensed premises gaming machine permits .	
3.17	To determine applications for other permits .	
4.0	LOCAL LAND CHARGES	
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).	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
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 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	

HEAD OF LEGAL AND DEMOCRATIC SERVICES		
Ref	Function	Consultation (where applicable)
	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	
7.2	To issue community protection notices and fixed penalty notices , to make public spaces protection orders , to issue closure notices and make applications for closure orders under the Anti-Social Behaviour, Crime and Policing Act 2014.	
8.0	ELECTIONS	
8.1	To declare a vacancy if a councillor fails to attend a meeting of the authority for six months without the prior approval of Council.	

Head of planning

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

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.0	PLANNING	
1.1	To determine all applications made to either District Council relating to planning matters, except in the following cases:	
	(a) A Ward councillor (to include adjacent ward councillor whose parish has been consulted) calls in the application to be considered by the Planning Committee within 28 days of the date of registration of the application (unless an extension to the consultation period has been granted) and the request is agreed by the Chairman or, in their absence, the Vice Chairman in consultation with the Head of Planning. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). Councillors' right of call-in does not apply to applications for certificates of lawful development.	
	(b) No application being determined before the expiry of the consultation period(s) .	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
<p>VALE only</p> <p>SODC only</p>	<p>(c) Where the following applies the planning matter shall be referred to the Planning Committee for determination:</p> <p>(i) The Head of Planning, in consultation with the Planning Committee Chairman, considers that the Planning Committee should consider it.</p> <p>(ii) The application is recommended for approval and would represent a significant departure from:</p> <p>a. the policies of the development plan (includes the adopted local plan, neighbourhood plans, and the waste and minerals local plan);</p> <p>b. the views of a technical statutory consultee (e.g. the County Highway Authority, the Environment Agency, Natural England);</p> <p>or the development plan policies are 'set aside'.</p> <p>(iii) The application is recommended for approval and falls into the category of a 'large scale major' application (<i>defined as 200 or more dwellings, or where the site is 2 hectares or more in size</i>).</p> <p>(iv) In major applications (<i>defined as ten or more dwellings, commercial space of over 1,000 square metres, or any sites over a hectare in size</i>) where any written or e-mailed objection on material planning grounds is received from the town or parish council or parish meeting, which is contrary to the officer's recommendation and cannot be resolved by condition or negotiation.</p> <p>(v) In applications categorised as major or minor where the officer's recommendation for approval/consent is in direct conflict with the clear and</p>	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	<p>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.</p> <p>(vi) The proposal involves either council as applicant or landowner, provided that the Head of Planning may determine applications for 'minor proposals' (<i>defined as fewer than ten dwellings; commercial space of less than 1,000 square metres; or sites of less than a hectare in size</i>) or 'other proposals' (<i>defined as changes of use, householder development (development within the curtilage of a residential property), adverts, listed building consents, conservation area consents, lawful development certificates, agricultural notifications, telecommunications, etc</i>) where no objections on planning grounds have been received.</p> <p>(vii) The applicant, landowner or planning agent or consultant is a councillor of either Council.</p> <p>(viii) Any application where an employee of either council is involved in any capacity as either agent or consultant and objections have been received on planning grounds.</p> <p>(viii)The applicant is a member of staff who, in the course of their duties has an input</p>	<p>Chairman of the Planning Committee and relevant Ward councillor</p>

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
	in to the planning process and objections have been received on planning grounds. (Any other application from employees of either council are delegated to the Head of Planning.	
1.2	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 / or an officer authorised by him/her considers it 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 / or an officer authorised by him/her considers it 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, s/he will inform the planning committee accordingly before the meeting proceeds to the next item. S/he 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", s/he will not issue the 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.	Relevant cabinet member for planning or in his/her absence the leader

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.3	To refuse a planning application in circumstances where a section 106 agreement is not signed within the application target decision date.	
1.4	To grant planning permission in circumstances where a section 106 agreement is signed outside the application target decision date.	
1.5	To decline to accept a repeat planning application following a previous refusal.	
1.6	To determine all applications under the Town and Country Planning (General Permitted Development) Order 1995.	
1.7	To approve or refuse non-material amendments to approved plans.	
1.8	To determine Certificates of Lawfulness of existing and proposed uses or development.	
1.9	To approve or refuse items reserved for further approval by a condition attached to a planning permission or approval, or an advertisement or listed building consent (for example, details of landscaping or materials).	
1.10	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.	Chairman of the planning committee
1.11	To authorise the entering into, acceptance of, amendment to, or revocation of any planning or any other agreement, consent or obligation regulating or controlling the use or development of land.	Chairman of the planning committee (for all applications referred to committee)

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
1.12	To receive and consider all environmental statements submitted with an application for planning permission, and to request further information when necessary.	
1.13	To determine requests made by ward councillors to attend, observe and take part in pre-application discussions where a formal officers' development team has been set up.	
1.14	To determine which applications need to be referred to the Secretary of State.	
1.15	To designate neighbourhood planning areas.	Cabinet member for planning policy (VALE ONLY)
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 Chairman 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 which applications should be the subject of consultation and to undertake that consultation.	
3.2	To determine and undertake any publicity required in respect of planning applications.	
3.3	To issue directives requiring the submission of information relating to planning applications.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
3.4	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.	
3.5	To comment on any planning applications submitted to adjacent local authorities or by Oxfordshire County Council in cases when this council is a consultee.	
3.6	To submit and pursue objections with the traffic commissioners against applications for goods vehicles operators' licences .	Head of legal and democratic services
3.7	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 and The Environmental Assessment of Plans and Programme Regulations, to include providing a screening or scoping opinion, and assessment of statements.	
4.0	ENFORCEMENT / EXERCISE OF POWERS	
4.1	To exercise the council's powers in relation to planning enforcement .	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.	Chairman of planning committee
4.3	To issue stop notices and temporary stop notices .	Chair of the planning committee
4.4	To authorise and serve any requisition for information including planning contravention notices.	

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
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	Chairman of the planning committee with the local ward councillor(s) being kept informed
6.2	To grant or refuse consent under a tree preservation order to cut down, top, lop, destroy or uproot any trees.	
6.3	To determine notices in relation to trees in conservation areas .	
6.4	To exercise the council's powers relating to dangerous trees (s.23 and 24 of the Local Government (Miscellaneous Provisions) Act).	
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
	- where there are objections	Chair of the planning committee with the local ward councillor(s) being kept informed
7.2	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 legal and democratic services

HEAD OF PLANNING		
Ref	Function	Consultation (where applicable)
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 .	
10.0	DEFECTIVE AND DANGEROUS BUILDINGS 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 governance sub-committee when considered appropriate to do so..	Independent person
1.2	To establish and maintain a register of members' interests including co-opted members	
1.3	To receive requests for dispensations under section 33 of the Localism Act	

Strategic director (finance, HR, IT and technical, and legal and democratic)

STRATEGIC DIRECTOR (FINANCE, HR, IT AND TECHNICAL, AND LEGAL AND DEMOCRATIC)		
Ref	Function	Consultation (where applicable)
1.0	ASSETS OF COMMUNITY VALUE	
1.1	To determine landowner claims for compensation.	
2.0	SAFEGUARDING	
2.1	To handle cases of abuse/suspected abuse in accordance with the council's safeguarding policy.	

Appendix three

Councillors' planning code of practice

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INTRODUCTION

1. This code:
 - (a) was originally prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning and has been updated to reflect changes in law and practice since that was issued;
 - (b) is based on a model code which was prepared by the Lawyers in Local Government; and
 - (c) applies to:
 - (i) all 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); and
 - (ii) both planning applications and to enforcement matters.

Relationship to the councillors' code of conduct

2. **DO** apply the rules in the councillors' code of conduct first, which must always be complied with. This is both the rules on interest, Disclosable Pecuniary Interests (DPIs) and any other interests identified by the council, and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
3. **Do** then apply the rules in this councillors' planning code, which seek to explain and supplement the councillors' code of conduct and the law on decision making for the purposes of planning control. If you do not abide by this councillors' planning code, you may put:
 - the council at risk of proceedings on the legality of the related decision or maladministration; and
 - yourself at risk of being named in a report made to the Council or, if the failure is also likely to be a breach of the interest provisions of Localism Act 2011, a complaint being made to the police to consider criminal proceedings.

If you have any questions you should seek advice from the monitoring officer or their staff preferably well before any meeting takes place.

THE PLANNING SYSTEM – THE COMMITTEE MEMBERS' ROLE

4. The key purpose of the planning system is to manage development in the public interest. The members' role is to make planning decisions:
 - openly and transparently;
 - impartially; and

- for justifiable planning reasons.

You are also a democratically accountable decision-taker who has been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have taken into account all material considerations and have given fair consideration to relevant points raised.

5. 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.

Key points (golden rules)

6. Planning decisions involve a balance between private and public interests where opposing views are often strongly held.
7. Your overriding duty is to the whole community not just to the people in your ward.
8. Decisions must not only be impartial they must be seen to be impartial by any reasonable observer. You should not favour, or appear to favour, any person, company, group or locality. You should not give the appearance of pre-judging (“pre-determining”) the matter before it is considered by the committee.
9. Planning decisions must be made in accordance with the statutory development plan unless material planning considerations indicate otherwise.
10. The advice of officers involved in the determination of planning matters will be presented on the basis of their overriding obligation of professional independence.
11. You may think that material planning considerations outweigh the development plan, or take a different view of the planning balance than is contained in the officer recommendations. You are fully entitled to do so but you will need to make sure that you can clearly identify and support the planning reasons leading to this conclusion/decision. Advice should still be sought from planning officers in relation to setting out the rationale for your decision.

MORE DETAILED GUIDANCE – DO’S AND DON’TS

DISCLOSABLE PECUNIARY INTERESTS

12. **DO**, as soon as you become aware that you have a **disclosable pecuniary interest** in any matter to be discussed at a meeting, make a verbal disclosure of that interest.
13. **DO** leave the meeting before that matter is discussed or, if you realise after the discussion has begun, as soon as you have made your disclosure.
14. **DON'T** participate in the discussion or vote on a matter in which you have a **disclosable pecuniary interest** unless you have been granted a dispensation.
15. **DO** notify the monitoring officer of your **disclosable pecuniary interest** in writing within 28 days of your disclosure unless it is already included on your register of interests form published on the council's web site.
16. **DO** seek advice from the monitoring officer if you are in any doubt about what to do.
17. Do take into account when approaching a decision that the Principle of Integrity is defined in terms that:

“Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships”.

BIAS AND PREDETERMINATION

WHERE YOU HAVE A DISCLOSABLE PECUNIARY INTEREST

18. **DON'T** get involved in the processing of the application.
19. **DON'T** attend any formal or informal meeting about the application or seek to speak at meetings.
20. **DON'T** try to represent local ward views: get another ward/local councillor to do so instead.
21. **DON'T** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
22. **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 councillors when

other members of the public would not have the same opportunity to do so.

23. **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), the code places greater expectations as to conduct than would be imposed on a normal member of the public.

YOUR OWN PROPOSALS

24. **DO** notify the monitoring officer, in writing, of your own proposals and those where you act as agent for a third party (this notification should be made as soon as possible and no later than the submission of the application) and ensure you have completed the application form correctly (this requires councillors to disclose their position). These proposals may be reported to the committee as main items and not dealt with by officers under delegated powers. 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.

WHERE YOU HAVE NO DISCLOSABLE PECUNIARY INTEREST

25. You may take part in the decision making process but need to take account of the following points:

EXERCISING YOUR JUDGEMENT

26. **DON'T** fetter your discretion and therefore your ability to participate impartially in planning decision making by making up your mind (“pre-determination”), or even appearing to make up your mind, on a planning matter in advance of the committee meeting and of your hearing the arguments on both sides. You may put the council at risk of legal proceedings.
27. **DO** follow any guidance issued by the monitoring officer on bias and predetermination.
28. **DO** consider whether a fair minded and informed observer, having considered the facts, would conclude that there was a real possibility that the decision maker was biased and NOT do you think you were biased (which would be subjective).
29. Planning decisions should only be taken with knowledge of all the relevant considerations, including responses to consultations where relevant. The officers’ reports are intended to bring together all relevant considerations, and further matters may arise at the committee meeting. It is therefore not

possible to come to a firm decision in advance of the meeting. You may have a preliminary view as to how you will decide a particular matter (“pre-disposition”) but you must keep an open mind at the meeting.

WHERE YOU HAVE FETTERED YOUR DISCRETION

30. **Don't** speak and vote on the proposal at the meeting.
31. Although you are not required to withdraw from the meeting, you may prefer to do so to avoid any complaint that your presence influenced the decision.
32. You can still exercise your separate rights as local councillor where you have fettered your discretion. If you do exercise that right:
 - advise the monitoring officer or chairman that you wish to speak in this capacity before the meeting starts; and
 - remove yourself from the committee table for the duration of that item.

THE DISTRICT COUNCIL'S OWN PROPOSALS

33. **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 just 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). The best advice in these circumstances is not to take part in the decision or vote on the proposals.

PARTICIPATION IN DISCUSSIONS OF CONSULTEE BODIES

34. Councillors may have a dual role, as councillors of organisations that are consulted on planning proposals and as members of the Planning Committee. In those circumstances:-
35. You may take part in discussions of the consultee body on the proposal **IF** you make it clear to the consultee body that:
 - (a) your views are expressed on the limited information before you only, **AND**
 - (b) you must reserve judgement and the independence to make up your own mind on the proposal based on your overriding duty to the whole community and not just to the constituents of that body, **AND**

- (c) you will not commit yourself as to how you or others may vote when the proposal comes before the Planning Committee.

HOW TO DEAL WITH LOBBYING

36. **DO** remember that your overriding duty is to the whole community not just to the people in your ward. You need to make decisions impartially. Make sure that you do not favour, or appear to favour, any person, company, group or locality.
37. **DON'T** declare the way you intend to vote.
38. **DON'T** express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority unless you make it very clear that you will only make up your mind at the meeting after hearing the officers' presentation and evidence and arguments on both sides.
39. **DO** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
40. Unless you have a **disclosable pecuniary interest**, you may:
- (a) listen/receive viewpoints from residents or other interested parties;
 - (b) make comments to residents, interested parties, other councillors or appropriate officers, provided they do not consist of or amount to pre-determining the issue and you make clear you are keeping an open mind;
 - (c) seek information through appropriate channels; or
 - (d) be a vehicle for the expression of opinion or speak at the meeting as a local councillor, provided that, if you are a member of the committee, you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or local view, you will make up your own mind having heard all the facts and listened to the debate.

DEALING WITH PARTICULAR GROUPS

APPLICANTS/DEVELOPERS

41. **DO** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.
42. **DON'T** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (Councillors do not normally take part in

officers' discussions with applicants before a decision is taken, unless there are clear guidelines published by the council to protect and assist councillors and officers. Where you do become involved, you should be advised by the appropriate officers and the discussions should be recorded as a written file note.)

43. **DO** ensure that you report to the development manager any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
44. **DO** make it clear that you will only be in a position to make a final decision on the application after having heard all the relevant evidence and arguments at committee.
45. **DO** consider whether it would be prudent to make notes of what is said if no officer is present.

LOBBY GROUPS

46. **DON'T** become a member of, lead or represent a lobby group seeking to promote or oppose planning proposals. If you do and you are a member of the committee, you will have fettered your discretion.
47. **DO** copy or pass on any lobbying correspondence you receive to the head of planning at the earliest opportunity.
48. **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.

POLITICAL GROUPS

49. **DON'T** decide how to vote at any sort of political group meeting, or press any other councillor to do so, in advance of the meeting at which any planning decision is to be taken. Political group meetings must never dictate how councillors should vote on a planning issue.

PRESENTATIONS

50. **DON'T** attend private presentations or exhibitions unless they have been organised by officers or an agreement has been reached as to whether an officer is required to be present. This is particularly important if you may sit on the Planning Committee.
51. **DO** ask relevant questions for the purposes of clarifying your understanding of the proposals.

52. **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.
53. **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.

UNDUE OR EXCESSIVE LOBBYING

54. **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). The monitoring officer will in turn advise the appropriate officers to follow the matter up.

GIFTS AND HOSPITALITY

55. Be careful about accepting gifts or hospitality wherever possible. If some hospitality is unavoidable, ensure that it is not excessive or inappropriate. Whilst not a **disclosable pecuniary interest**, a councillor, nevertheless, has the option of registering this so as to demonstrate openness and transparency to avoid any allegation of corruption or impropriety.

DEALINGS WITH OFFICERS

56. **DON'T** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views on the proposal, which may be incorporated into any committee report.)
57. **DO** recognise that officers are part of a management structure and only discuss a proposal, except in any formal 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.
58. **DO** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the council's code of conduct for officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' advice, 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.

SITE VISITS

59. **DO** provide planning reasons to justify the need for a formal site visit.

60. **DON'T** request a site visit unless you feel it is strictly necessary.
61. **DO** vote for a site visit to take place only if you intend to attend.
62. **DO** try to attend site visits organised by the council where possible.
63. **DO** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
64. **DON'T** express opinions or views to anyone.
65. **DO** ask questions or seek clarification of matters that are relevant to the site inspection.
66. **DON'T** hear representations from the applicant or third parties with the exception of ward councillors whose address must focus only on site matters.
67. **DON'T** visit a site on your own, even in response to an invitation, as this may give the impression of bias. There is nothing preventing you from viewing a particular site from the public highway but remember you do not have a right to enter private land. Exceptionally, where there is no organised site visit, and with the prior approval of the development manager, the local councillor or in appropriate circumstances other councillors, may ask for an individual site visit accompanied by an officer.

COMMUNICATION WITH THE PUBLIC AT COMMITTEE MEETINGS

68. **DON'T** allow members of the public (or fellow councillors if you are a town or parish councillor) to otherwise communicate with you (orally or in writing) during the committee's proceedings, as this may give the appearance of bias. This includes all forms of electronic communications.

MAKING DECISIONS

69. **DO** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the development plan unless material considerations indicate otherwise.
70. **DO** come to your decision only after due consideration of all of the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request it. If necessary, defer or refuse the application - whichever is appropriate.

71. **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.
72. **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.
73. **DO** have recorded the reasons for any committee decision to defer a proposal.
74. **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 (unless you have a disclosable pecuniary interest in the matter)).

WHERE THE OFFICERS' RECOMMENDATION IS NOT ACCEPTED

75. Decisions on planning matters (unless delegated to officers) are ultimately for councillors to make. But decisions, whoever makes them, must be made in accordance with the development plan unless material considerations indicate otherwise.
76. If the officers' recommendation is not to be followed, equally robust planning reasons for the decision must be given at the meeting and minuted. Those reasons must be capable of being defended at any subsequent appeal.
77. Officer reports will include a recommendation based on an assessment of the proposal against the development plan and material considerations, including those arising from the representations made by the applicant and consultees. The reasons for the recommendation will be set out in the report. If councillors take a different view at the meeting, they will need to provide equally argued planning reasons. If on reading the officer report, you form an initial impression that leads you to be pre-disposed to go against the recommendation, it may help to discuss tentative reasons with officers before the meeting.
78. **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 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.

PROCEDURE IF OFFICERS' ADVICE IS NOT TO BE FOLLOWED:

79. Proposer and/or seconder to set out planning reasons for the proposal.

80. Officers to be given time to comment on those reasons and their ability to withstand challenge through the appeal procedures.
81. Chairman may adjourn briefly for proposer and seconder to discuss and formulate reasons with officers, reconvening for a vote and for reasons to be fully recorded. If chairman concludes that there are opposing views amongst committee members he may take a vote on the proposal without adjourning for discussion with officers. In such circumstances the planning reasons for the proposal should be set out in detail before the vote is taken.

TRAINING

82. **DON'T** participate in decision making at meetings dealing with planning decisions if you have not attended any mandatory planning training prescribed by the council.
83. **DO** try to attend any other specialised training sessions provided. 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.

SANCTIONS

SANCTIONS (INCLUDING OFFENCES)

84. If you do not follow this code, you may put:

- (a) the Council at risk of proceedings on legality or of maladministration;
- (b) yourself at risk of breaching the councillors' code of conduct.

85. It is a criminal offence (without reasonable excuse), if you are aware that you have a **disclosable pecuniary interest** in a matter being considered at a meeting:

- (a) not to disclose that interest (unless it is already registered)
- (b) to participate in any discussion or vote on that matter.

EXTERNAL SANCTIONS

86. These include:

Local Government Ombudsman

87. The Ombudsman can investigate the process by which a planning decision has been taken (though not the decision itself). If injustice caused by maladministration is found, the report may name the councillor involved and give particulars of the breach. The report may be made publicly available.

Appeals to the Secretary of State

88. If an appeal is lodged and the council is found to have been unreasonable (for example by making a decision for inadequate planning reasons) the appellant's costs may be awarded against the council.

Judicial Review

89. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.

Appendix four



Listening Learning Leading

South Oxfordshire District Council petition scheme

We welcome petitions from people who live, work or study in the district. We recognise petitions as one of a number of ways people can let us know their concerns.

If you like, you can set up a petition on our website - it's quick and easy to do, and people can sign it online - you can then submit the petition directly to us when it's ready.

You can send paper petitions to:

Democratic Services
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Milton
OX14 4SB

Guidelines for submitting a petition

Make sure your petition includes:

- a clear and concise statement covering the subject of the petition - it should state what action you want the council to take
- the name and address and signature of everybody supporting the petition.

You should provide your contact details and an address, or those of another organiser, along with your petition. We'll use these details to contact you to explain how we will respond to the petition.

If you use our online petition system, your name will appear on the website but we won't show any of your contact details. If you don't provide the name of any of the organisers, we will contact people who have signed the petition to agree who should act as the petition organiser.

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 contact you to explain the reasons and discuss how the timescale of your petition may have to change.

If your petition doesn't follow the guidelines set out above, we may decide not to do follow it up. If that happens, we will contact you to explain why.

What types of petitions are excluded?

We will not take action on any petition which we consider to be vexatious or abusive and will explain the reasons for this in our acknowledgement of the petition.

If the petition applies to a planning or licensing application, or if it is a statutory petition (for example requesting a referendum on having a mayor) other procedures apply and we won't necessarily apply the procedures in this document. For example a petition on a planning application will be treated as a comment on that application through the standard planning application consultation process.

If we receive a petition on the same or similar topic as one we have received in the last six months, we will not treat it as a new petition. We will acknowledge receipt of the petition within 10 working days and include details of our response to the previous petition on the subject.

If we are currently considering a petition on the same or similar subject the petitions will be combined.

What will the council do when it receives a petition?

We will send you an acknowledgement within 10 working days of receiving the petition. We'll let you know what we plan to do with the petition and when you can expect to hear from us again. We may decide to verify the authenticity of the petition and checking the details of the people who have signed it. We will publish the petition on our website.

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 500 signatures it will trigger a council debate so we will 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.

To ensure that people know what we are doing in response to the petitions we receive, we will publish the details of all petitions submitted to us 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 anybody signs an e-petition, we will email them our response to the petition. We will not send anybody anything, that isn't relevant to the e-petition they have signed, unless they agree to receive other emails.

We will inform the local district councillors of all petitions we've received relating to their area.

How will the council respond to petitions?

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
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by Cabinet or the appropriate committee
- writing to the petition organiser setting out our views about the request in the petition

We will always keep the local district councillor(s) informed.

In addition to these steps, we will consider all the specific actions we can potentially take on the issues highlighted in a petition.

Relevant steps

If your petition is about something over which we have no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. We work with a large number of local partners and where possible we'll work with them 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 explain the reasons for this to you. You can find more information on the services we are responsible for at www.southoxon.gov.uk

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, and in the case of e-petitions, each petitioner will be advised by email.

Full council debates

If your petition contains more than 500 signatures it will automatically be referred to full Council for debate. We will endeavour to consider the petition at the next meeting, although on some occasions this may not be possible so it will be considered at the following meeting.

You will be given three minutes to present the petition at the meeting and it will then be discussed by councillors.

The Council will decide how to respond to the petition at this meeting. The council may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or refer the matter to Cabinet or the relevant committee and decide whether to make recommendations to inform that decision.

We will send you written confirmation of this decision.

Council



Report of Head of Legal and Democratic Services

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To: VALE COUNCIL

DATE: 20 July 2016

To: SOUTH COUNCIL

DATE: 21 July 2016

Appointment of electoral registration officer and returning officer

Recommendations

That both Councils agree:

- (a) in terms of the Representation of the People Act 1983 and all related legislation, with effect from 1 September 2016, to appoint David Hill as electoral registration officer and to reappoint Margaret Reed as deputy electoral registration officer;
- (b) in terms of section 41 of the Local Government Act 1972 and all related legislation, with effect from 1 September 2016, to appoint David Hill as returning officer, with authority to act in that capacity for elections to the councils and all or any parish and town councils within the councils' areas;
- (c) to authorise the councils' electoral registration officer to act in respect of all related electoral, poll or referendum duties, including in relation to county council elections, elections to the European Parliament and national, regional and local polls or referendums;
- (d) in relation to the duties of returning officer or any other electoral, referendum or polling duties arising from such appointment, to remunerate the returning officer for local elections, polls or referendums in accordance with the scale of fees approved from time to time by the councils and to note that the returning officer will be entitled to the relevant scale of fees prescribed by a fees order in respect of national, regional or European Parliament elections, polls or referendums;

- (e) that in all cases where it is a legal requirement or normal practice to do so, the fees paid to the returning officer shall be superannuable and that South Oxfordshire District Council as the employing authority shall pay the appropriate employer's contribution to the superannuation fund, recovering such employer's contributions from central government or other local authorities or agencies where this can be done;
- (f) that in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the councils are entitled by law to do so, the councils shall take out and maintain in force insurance indemnifying the councils and the returning officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the councils or the returning officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the returning officer or any other person employed by or officially acting for him in connection with the election or poll);
- (g) that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the councils will indemnify the returning officer up to the value of such excess.

Purpose of report

1. This report asks the Councils to appoint the new chief executive, David Hill, as the councils' electoral registration officer and returning officer with effect from 1 September 2016, recognising that these appointments may change following the implementation of a management restructure. The report also covers the personal liability and insurance position, fee entitlement and superannuation.

Strategic objectives

2. This report relates to the discharge of statutory responsibilities but also contributes to the strategic objective of managing our business effectively.

Background

3. Both councils need to appoint a new electoral registration officer and returning officer to come into effect immediately after David Buckle retires on 31 August 2016.
4. In order to be able to vote in elections, a person's name must be included in a register of electors. Responsibility for compiling the register of electors lies with the electoral registration officer. Section 8 of the Representation of the People Act 1983 requires every district council to appoint an officer of the council to be electoral registration officer.
5. The electoral registration officer has a duty to maintain registers of electors that contain the details of all those who are registered to vote. The electoral registration officer must publish registers that are as accurate and complete as

possible. The councils must provide the electoral registration officer with the resources they need to discharge their statutory functions.

6. The councils can approve the appointment of one or more deputy electoral registration officers. Unlike a returning officer, the electoral registration officer cannot appoint a deputy themselves, unless the power to do so has been delegated to them by the council.
7. Section 35 of the Representation of the People Act 1983 requires every district council to appoint a returning officer for district and parish council elections. The role is to ensure that the elections are administered effectively and that, as a result, the experience of voters and those standing for election is a positive one.
8. The returning officer is personally responsible for the administration of the local government election, including: nominations, the provision of polling stations, the appointment of presiding officers and poll clerks, management of the postal voting process and the verification and counting of votes.
9. The duties of a returning officer are separate from the duties held by that individual as a local government officer. A returning officer is not responsible to the councils but is a separate legal entity to that of the council which appointed them and is directly accountable to the courts as an independent statutory office holder. The returning officer is not bound by the council's normal procedures in carrying out their duties.
10. Returning officers should have a working knowledge of the relevant legislation governing the conduct of the elections. This means that, in addition to having a clear understanding of the statutory functions, they should have an overview of what the legislation contains and an understanding of how it affects the administration of the elections, so that they can review, question where necessary, and quality-assure the whole process in their council area.
11. The roles of electoral registration officer and returning officer are currently held by the chief executive in each council. That is an appropriate level for them and reflects the most common (but not universal) practice across the country. Although the law allows a council to appoint different people to the roles of electoral registration officer and returning officer, it is beneficial for both roles to be undertaken by the same person because of the close interaction between the two roles.
12. The new chief executive is clearly an officer of South Oxfordshire District Council as the employer council. He can also be regarded as an officer of Vale of White Horse District Council as the non-employer council because he is being placed at that council's disposal under section 113 of the Local Government Act 1972. It is therefore possible for him to act as electoral registration officer and returning officer for each council. He is an experienced electoral registration officer and returning officer.
13. The councils are therefore asked to appoint David Hill as both councils' electoral registration officer and to agree that Margaret Reed, Head of Legal and Democratic Services, continues to be the deputy electoral registration officer for both councils. The councils are also asked to appoint David Hill as both councils' returning officer. The appointments of any deputy returning officers are made by the returning officer and not a matter for the Councils.

14. One of David Hill's first tasks as chief executive will be to implement a management restructure. The Leaders have agreed to support the appointments set out in this report but have indicated that as part of the restructure they would like to consider alternative options for the appointment of an electoral registration officer and returning officer. If changes are agreed then a further report will be brought to the Councils recommending fresh appointments to these roles.

Financial implications

15. Both councils have agreed scales of fees and charges for local elections, referendums and polls and these are due for review before the council elections in 2019. There are statutory fee scales for national elections and referendums. The recommendations in this report also deal with fee entitlement and superannuation.
16. The councils hold appropriate insurance cover for elections. As the returning officer is not acting as agent of the councils at elections, it could be construed that liability for any excess will be personal to the returning officer. However, it is suggested that in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the councils will indemnify the returning officer up to the value of such excess. This would be met from the respective council's contingency budget. The recommendations cover the personal liability and insurance position.

Legal implications

17. The councils' statutory obligations are set out in the body of the report. The councils have power to agree to indemnify the returning officer up to the value of any excess on their insurance for elections, polls and referendums.

Risks

18. The councils have a statutory duty to appoint an electoral registration officer and returning officer. Making the appointments suggested in this report ensures that the councils meet this duty pending further consideration as part of the management restructure.

Human resources implications

19. The returning officer's fees have always been treated as superannuable and recommendation (e) ensures that there is explicit agreement to this.

Conclusion

20. This report asks the Councils to appoint a new electoral registration officer, to confirm the appointment of the deputy electoral registration officer and to appoint a new returning officer. It also asks the Councils to agree the fee, insurance and indemnity arrangements.

Background Papers

- None