

London Borough of Redbridge

Constitution

March 2026

Contents

| | |
|---|-----|
| Contents | 2 |
| Management Structure | 3 |
| Part 1: Summary and introduction | 4 |
| Section 1: Introduction | 5 |
| Section 2: Glossary | 9 |
| Section 3: Articles | 13 |
| Part 2: Roles and rights of councillors | 21 |
| Section 1: Councillors' roles and job descriptions | 22 |
| Appendix: Descriptions of roles occupied by Councillors | 24 |
| Section 2: Rights of access to documents for Councillors | 50 |
| Section 3: Councillors' interests | 54 |
| Part 3: Rights of the public | 59 |
| Section 1: The public's rights overall | 60 |
| Section 2: Public Participation at Council, Cabinet and Committee meetings. | 61 |
| Section 3: Petition scheme | 68 |
| Section 4: Deputations | 77 |
| Section 5: The Public's Rights to Attend Meetings and Access Information About Meetings | 79 |
| Part 4: Decision-making: responsibility for functions and delegated powers | 83 |
| Section 1: General | 85 |
| Section 2: Matters reserved to Full Council | 90 |
| Section 3: Cabinet functions | 92 |
| Section 4: Responsibility for local choice functions | 117 |
| Section 5: Joint arrangements | 120 |
| Section 6: Delegation to officers | 121 |
| Part 5: Terms of Reference and Procedure Rules | 161 |
| Section 1: Terms of reference | 163 |
| Section 2: Rules applying to all formal meetings | 211 |
| Section 3: Council Procedure Rules | 220 |
| Section 4: Cabinet and committee procedure rules | 251 |
| Section 5: Planning Procedure Rules | 256 |
| Section 6: Officer Employment Procedure Rules | 275 |
| Section 7: Finance Procedure Rules | 285 |
| Section 8: Contract Procedure Rules | 300 |
| Section 9: Legal Procedure rules | 301 |

| | |
|---|-----|
| Part 6: Overview and scrutiny and policy development committees | 303 |
| Section 1: Establishment, overall role and terms of reference of committees | 304 |
| Section 2: Legal powers | 324 |
| Section 3: Conduct of business | 329 |
| Section 4: Individual member and officer responsibilities | 331 |
| Section 5: Call-in | 334 |
| Part 7: Codes and protocols | 339 |
| Section 1: Code Of Conduct (For Officers) | 340 |
| Section 2: Code Of Conduct For Members | 348 |
| Section 3: Statutory Officer Protocol | 356 |
| Section 4: Member/Officer Protocol | 363 |
| Section 5: Code Of Corporate Governance | 367 |

Management Structure

<https://www.redbridge.gov.uk/about-the-council/council-departments-and-officers/>

Part 1: Summary and introduction

Section 1 – Introduction

- 1: The Council
- 2: Role of members of the Council
- 3: How the Council operates
- 4: The public's rights: summary

Section 2 - Glossary

Section 3 - Articles

Section 1: Introduction

1.1: The Council

1. The London Borough of Redbridge (“the Council”) has agreed a Constitution, which sets out how the Council operates, how decisions are made, and the procedures that are followed to ensure that these are efficient, transparent and accountable to local people. The law stipulates some of these processes, while others are a matter for the Council to choose.
2. The Constitution is a public document and will be available for inspection by members of the public at the Town Hall and on the Council’s website.
3. The Constitution is divided into seven parts:
 1. Summary and Introduction (this section, accompanied by the Articles)
 2. The Roles and Rights of Councillors
 3. Rights of the Public
 4. Decision-Making: Responsibility for Functions and Delegated Powers
 5. Rules of Procedure
 6. Overview and scrutiny and policy development committees
 7. Codes and Protocols
4. The arrangement adopted by the Council under the Local Government Act 2000 is an Executive one based on a Leader and Cabinet model.
5. The Constitution seeks to ensure the delivery of the Council’s goals by:
 - Enabling the Council to provide clear leadership to its communities in partnership with the public, businesses and other organisations;
 - Supporting the active involvement of the public in the process of decision-making by the Council;
 - Helping Members to represent their constituents effectively;
 - Enabling decisions to be taken efficiently and effectively;
 - Creating a powerful and effective means of holding decision-makers to public account;
 - Ensuring that Members will not be able to review or scrutinize a decision in which they were directly involved;
 - Ensuring that those responsible for decision-making inside the Council are clearly identifiable to local people and that they explain the reasons for their decisions; and
 - Providing a means of improving the delivery of services to the communities in the Borough.

1.2: Role of Councillors

1. The roles and rights of Councillors are set out in more detail in Part 2.
2. All Councillors will:
 - Collectively, be the ultimate policy-makers and carry out a number of strategic functions;
 - Contribute to the good governance of the area and actively encourage community participation and public involvement in decision-making;
 - Effectively represent the interests of their Ward and of individual constituents;
 - Respond to constituents' enquiries and representations, fairly and impartially;
 - Participate in the governance and management of the Council; and
 - Maintain the highest standards of conduct and ethics.

1.3: How the Council operates

1. The Council is comprised of 63 Members currently representing 22 Wards. Three wards return 2 members each, and the remaining 19 wards each return 3 members. Elections for all Members will be held on the first Thursday in May every four years.

The Full Council

2. All Councillors attend and take part in meetings of the full Council. Meetings of the Council are normally open to the public.
3. There are certain matters that can only be decided by the whole Council – in particular the Council's annual budget. These matters are set out in Part 4. Most other matters are decided and overseen by the Executive, whose role is set out below.
4. Members of the public can ask questions or make statements directly to the Council, the Cabinet, and to Committees, following the procedures set out in Part 2.
5. The Council elects the Mayor and the Leader and establishes committees of the Council to discharge some of the Council's functions. The Council is responsible for setting the budget and agreeing the main plans and policies of the Council. In the Constitution, this is referred to as the "Budget and Policy Framework". Arrangements for the development and agreement of this framework are set out at Part 4.

The Leader

6. The Leader is elected at the Annual Council following the local elections and holds office until

the Annual Council following the next local elections (i.e. for a four year term) unless they are removed from office by resolution of the Council, they resign or they are disqualified. Arrangements for the election of the Leader are set out in the Council Procedure Rules at Part 5.

7. The Leader is responsible for appointing the Deputy Leader and the Cabinet. The Leader is also responsible for determining which part of the Council's decision-making machinery will perform the Council's various Executive functions. The Leader may exercise those functions personally or arrange for them to be performed by the Cabinet as a whole, individual Cabinet Members, a committee of Cabinet, or by officers. The Leader may also arrange for Executive functions to be performed by another local authority or jointly with another local authority.

Executive

8. The Executive consists of the Leader of the Council together with a Cabinet which is made up of the Leader and between two and nine other Councillors appointed by the Leader. The Cabinet may be made up of Councillors from one political group or from different political groups if the Leader so wishes.
9. The functions for which the Executive is responsible are set out in law, and are explained in Part 4 of the Constitution. These powers are not "delegated" by Council – the Executive holds power in its own right.
10. Decisions made by the Executive must be in line with the Budget and Policy Framework agreed by Council every year. Decisions taken outside the Budget and Policy Framework must be referred to the Council other than where the urgency rules so permit.

Scrutiny and Policy Development Committees

11. The terms of reference and role of the Scrutiny Committees and Policy Development Committees appointed by the Council are set out in Part 6. In summary, their role is to:
 - (a) Scrutinise the effectiveness and appropriateness of Authority's policies and recommend changes or improvements;
 - (b) Assist in the development of the Authority's policies;
 - (c) Review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Authority's functions;
 - (d) Exercise the right to call-in (requisition) decisions made, but not yet implemented, by the Executive, and Officers making key Executive decisions; and
 - (e) Discharge specific statutory scrutiny functions in respect of crime and disorder matters, certain education functions, external health bodies and the Health & Well Being Board.

Other non-Executive functions

12. The Council has established a range of other committees in order to carry out important functions. These committees, their terms of reference and rules for how they operate are set out in Part 1, Section 3: Articles and at Part 5.

Council Officers

13. The Council employs officers to give advice, implement decisions and manage the day to day delivery of its services.
14. Some Officers have specific duties to ensure that the Council acts within the law and uses its resources wisely. A Protocol governing the work of these officers is set out in Part 7, Section 3.
15. Officers must follow a code of conduct. There is also a Protocol of Conduct which governs the relationship between Officers and Members which is set out in Part 7, Section 4.

1.4: The Public's Rights

1. Full information about the rights held by the public can be found in Part 3.
2. The public may actively take part in meetings of the Council, or meetings of its Committees, by making deputations, or by asking questions of leading Councillors, subject to rules set out in Parts 3 and 5.
3. The public has a number of other rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own procedures. The Citizens' Advice Bureau, or Solicitors, can advise on individual legal rights. Where members of the public use specific Council services, for example, as a parent of a school pupil or as a Council tenant, they have additional rights and responsibilities. These are not covered in the Constitution.

Section 2: Glossary

In this Constitution, the following definitions will apply:

'Budget' means the budget agreed by the Council, including the budget requirement, the allocation of capital and revenue resources to different services and projects, the precept level and council tax, contingency funds (including reserves and balances), any plan or strategy for the control of the Council's borrowing, and the virement limits.

'Budget and Policy Framework' means the Council's Budget together with certain major plans and strategies as determined by the Government and the Council. These subject matter of these plans are set out in Part 4.

'Cabinet' is the main Executive decision-making body of the Council.

'Cabinet Members' means those Councillors appointed to the Cabinet.

'Call In' refers to the statutory process by which an Executive decision is called in by an Overview and Scrutiny Committee and/or referred to the Council by an Overview and Scrutiny Committee for consideration prior to it being implemented by the Executive. The Council also has established practice and convention that allows Overview and Scrutiny to Call In decisions of the executive *before* they are made. This practice ensures that views of the Overview and Scrutiny Committee are taken into consideration when Cabinet considers decisions.

'Chair' means the elected Chair or in their absence the Vice Chair of the Cabinet or of a Committee or Sub Committee. The term includes a Councillor elected to preside in the absence of the Chair or Vice Chair. The Chair of the Cabinet will be Leader of the Council.

'Chief Officer' is defined in Standing Order 70 and Chief Officers are described more particularly in the Scheme of Delegation.

'Clear Working Days' excludes

- Saturday
- Sunday
- Bank and Public Holidays
- Where relevant, the day of dispatch of an agenda, summons or notice
- Where relevant, the day of the meeting

'Committee' means any Committee of the Council, whether or not it includes co-opted members, which has functions of the Council referred or delegated to it. It includes Sub-Committees (but not Working Parties or Community Forums) unless a particular Standing Order indicates clearly that this definition is not intended to apply.

'Confidential Information' has the meaning given to it in Section 100A (3) of the Local Government Act 1972. That definition covers information provided to the Council by a Government department on terms, which prohibit its disclosure and information, which the Council is prohibited from disclosing by statute or by court order.

'Constitution' means the document describing the decision-making arrangements for the Council, the Cabinet and the Council's various Committees, together with the detailed rules and procedures

for the operation of the decision-making arrangements.

'Co-opted Members' are not elected Councillors but have been appointed by the Council as a member of a committee or sub-committee (including representing the Council on any joint committee or joint sub-committee). They are subject to the Code of Conduct for Members. Some statutory co-opted members have voting rights at committees on specific matters. The voting rights of co-opted members are set out within the terms of reference for the committee or sub-committee to which they are appointed.

'Councillor' means any elected member of the Council. Councillors are also referred to as Members.

'Executive' means the Cabinet and/or the Cabinet Members exercising executive functions.

'Executive Functions' means those functions which by law must be the responsibility of the Executive.

'Exempt Information' has the meaning given to it by Section 100(1) of the Local Government Act 1972. It includes a large number of different categories of information, which the Council is entitled to withhold from the public. Usually this is for the protection of a member of the public, to preserve the Council's bargaining power or to protect its ability to carry out its functions properly.

'Forward Plan' is the publicly available document describing all of the main decisions being taken by the Leader, Cabinet, individual Cabinet Members, officers or other Committees with executive decision-making powers, covering a four-month period.

'Full Council' means any formal meeting to which all elected Members are summoned to attend.

'Group Leader' in respect of any political group means the person whom the group has identified as its Leader by notice in writing to the Chief Executive.

'Head of Paid Service' means the person designated as such under Section 4 of the Local Government and Housing Act 1989. The Head of Paid Service is one of three principal statutory officers.

'Key Decision' means the most significant and important decisions being made by the Council, both in financial terms and/or, their effect on communities in Redbridge. A more specific definition of "Key Decisions" can be found in Article 10 ('Decision-making') of the Constitution.

'Leader of the Council' means the elected Member appointed by the Council to lead the Cabinet.

'Local Choice Functions' means those functions which the Council may decide are either Executive or non-Executive functions.

'Mayor' means the elected Member elected by the Council annually to preside over meetings of the Council and is the ceremonial head of the Council.

'Member' means an elected Councillor or member of a Committee as appropriate. It includes the co-opted Members (see definition above) of Committees and Sub Committees.

'Monitoring Officer' means the person designated as such under Section 5 of the Local Government and Housing Act 1989 or their deputy. The Monitoring officer is one of three principal statutory

officers.

'Municipal year' means the period between annual meetings of the Council, which are usually held in May.

'Non-Executive Functions' means those functions which by law must not be the responsibility of the Executive.

'Officers' means the employees of the Council or others appointed or engaged to work as officers of the Council.

'Ordinary Meeting' means a meeting of the Council, a Committee or a Sub Committee as the case may be, which is included in the calendar of meetings approved by the Council except the Annual Meeting of the Council.

'Parent Committee' in respect of a Sub Committee means the Committee whose terms of reference include those of the Sub Committee.

'Petitions Officer' is the individual designated by this Constitution as holding responsibility for the validation, and processing, of public petitions. This will unless otherwise specified be the Monitoring Officer or an officer delegated by the Monitoring Officer to hold this function.

'Policy Development Committee' is one of several committees established by the Council to undertake work assisting the Cabinet with the development of policy. PDCs report to the Overview and Scrutiny Committee.

'Political Group' means political groups as defined in the Local Government (Committees and Political Groups) Regulations 1990. Essentially it covers any group of two or more Councillors who have notified the Chief Executive in writing that they wish to be treated as a political group.

'Proper officer' is the term used to describe an officer designated by an Act of Parliament or another piece of legislation to carry out a specific statutory duty. The proper officer's power to carry out that duty is given directly by legislation rather than being delegated by Council or Cabinet.

'Proper constitutional officer' is the person present at a formal meeting of the Council, Cabinet, or a committee tasked with providing legal and/or procedural advice to that body on its operations. The proper constitutional officer may be the Monitoring Officer, another lawyer employed by the Council or a member of the Constitutional Services team.

'Quasi-judicial' refers to a process of decision-making which is similar to a Court of Law, in that each party with an interest in the matter under discussion has an opportunity to make their case, following which the Committee will make decision on the facts and representations.

'Rules of procedure' means the rules and procedures contained in Part 5 of this Constitution. Some of these rules were previously known as "standing orders".

'Scrutiny' or 'overview and scrutiny' refers to the process of monitoring service delivery, examining policy outcomes, scrutinising/reviewing policies and practices, engaging with and overseeing the work of some external partners, and holding Cabinet Members accountable for their decisions. This work is carried out by Overview and Scrutiny Committees.

'Sealing' means the affixing of the Common Seal of the Council either by physical means or by such electronic means as the Monitoring Officer may from time to time authorise. The affixing of an electronic seal shall be of the same legal effect as affixing the Common Seal of the Council physically.

'Section 151 Officer' means the person designated as such under Section 151 Of the Local Government 1972. The s151 officer is one of three principal statutory officers.

'Senior Officer' means a senior officer of the Council who is responsible for a particular function or service and who is usually a Chief Officer, Deputy Chief Officer or Head of Service.

'Signing' or 'to sign' means the application of a signature either by physical means or by such electronic means as the Monitoring Officer may from time to time authorise. The electronic signature shall be of the same legal effect as a signature applied physically.

'Sub Committee' means any Sub Committee appointed by a Committee or by the Council, which has functions, referred or delegated to it by a Committee or by Council.

'Urgent matter' means a matter, which is to be considered at a meeting of the Council, a Committee or a Sub Committee by virtue of section 100B 4(b) of the Local Government Act 1972. That section provides that matters not appearing on the agenda published three clear working days before the meeting can be considered at the meeting, if by reason of special circumstances, the Chair is of the opinion that the item should be considered at the meeting as a matter of urgency.

'Ward' means one of the 22 geographical areas within the borough, each represented by 2 or 3 elected Councillors.

'Written Notice' unless otherwise stated shall mean notice given in writing, by hand, by fax or electronically. Electronic signatures are acceptable.

'Year' means a municipal year running from one Annual Meeting of the Council until the next, unless a calendar year or a year commencing on any other date is specified.

Section 3: Articles

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| <p>Article 1 The Constitution</p> | <p>The Constitution comprises the Articles, Codes and Protocols and any schedules and/or appendices that the Council determines.</p> <p>The purpose of the Constitution is to:</p> <ul style="list-style-type: none"> • Enable the Council to provide leadership to the community; • Enable the Council to demonstrate continuous improvement in how it designs, delivers and manages the services it provides; • Enable the Council to work effectively with its partners across the borough; • Enable councillors to represent their constituents, to make decisions on behalf of those people and to oversee the way the Council is run; • Ensure that principles of good governance and decision-making, supported by the Seven Principles of Public Life and underpinned by the law, anchor the way that the Council operates; • Enable local people to be involved in decision-making, and to oversee the business of the Council. |
| <p>Article 2 Membership of the Council</p> | <p>The Council comprises 63 Councillors. Three Councillors are elected by the voters for 19 wards and two Councillors for 3 wards. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.</p> <p>Further information on the roles, functions and rights of councillors can be found at Part 2. The Code of Conduct, which provides rules on expected Councillor behaviour, is at Part 7.</p> |
| <p>Article 3 The Public and the Council</p> | <p>Citizens have the right to:</p> <ul style="list-style-type: none"> • Vote in local elections (and to sign petitions to request a referendum for a different form of governance for the Council); • Attend meetings of the Council, except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private; • Make representations to the Council by asking questions in Council meetings (see Part 3, Section 2), organising, signing petitions (see Part 3, Section 3), and forming deputations to Council (see Part 3, Section 4); • Access information held by the Council, including information relating to decision-making, information that the Council holds about themselves and information that might be available through the Freedom of Information. |

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| | Full details on the rights held by citizens can be found in Part 3. |
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| <p>Article 4</p> <p>The Full Council</p> | <p>Full Council is a meeting of all 63 councillors together. There are different kinds of Full Council meeting:</p> <ul style="list-style-type: none"> • The annual meeting, where the allocations of positions on Committees are decided and where the Civic Mayor and the Leader of the Council are elected; • The budget meeting, where the Budget and Policy Framework is formally agreed; • Ordinary meetings (which are timetabled in advance); • Extraordinary meetings (which are not timetabled in advance and which are convened for an urgent reason). <p>Full Council is responsible for agreeing the Council’s Budget and Policy Framework. Full Council also carries out other duties, some of which, by law, must be carried out by Full Council. Details of the responsibility for these functions are set out in Part 4.</p> <p>The Mayor is the Chair of the Full Council. When present at a meeting of Council, they will chair that meeting. When not present, the Deputy Mayor will carry out that role. More detail about the chairing of Council meetings can be found in Part 5.</p> <p>The Mayor holds a ceremonial role as the “first citizen” of the borough.</p> |
| <p>Article 5</p> <p>The Executive</p> | <p>The Executive will carry out all of the local authority’s functions which are not the responsibility of any other part of the Council, whether by law or under the Constitution.</p> <p>The Executive will consist of the Leader together with at least two but no more than nine councillors, whom the Leader will appoint. The Leader may establish committees of Cabinet to undertake certain Executive functions.</p> <p>The Leader will be a Councillor elected by the Council at the Annual Meeting following Local Elections, or another meeting of the Council in the case of a vacancy.</p> <p>Arrangements for the election, resignation, and removal of the Leader, and of individual Cabinet Members, are set out in Part 5.</p> <p>The Leader may exercise Executive functions personally, or may make arrangements for those functions to be exercised by Cabinet collectively, by an individual Cabinet Member, by a committee of Cabinet, by an officer (further to the Scheme of Delegation set out in Part 5), by another local authority or by a joint committee with another local authority.</p> <p>Cabinet, and individual Cabinet Members, may also delegate certain decision-making powers.</p> |

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| | Arrangements for Executive decision-making, including arrangements for delegation, are set out in Part 5. Arrangements for the formal proceedings of Cabinet meetings are set out in Part 5. |
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| <p>Article 6</p> <p>Overview and Scrutiny Committees</p> | <p>The Council operates a number of Overview and Scrutiny Committees and Policy Development Committees. Amongst the duties of those Committees is to review and scrutinise Executive and non-Executive decisions, to carry out work relating to the development of future Council policy, and to review the performance of the Council’s services.</p> <p>The Overview and Scrutiny Committees are:</p> <ul style="list-style-type: none"> • Overview and Scrutiny Committee; <ul style="list-style-type: none"> ○ Education Scrutiny Sub-Committee; ○ Health Scrutiny Sub-Committee; • External Scrutiny Committee. <p>Overview and Scrutiny Committees hold between them a set of powers and obligations, set out in s9F (and following sections) of the Local Government Act 2000 and explained in more detail in Part 6.</p> <p>There are five Policy Development Committees, whose terms of reference are designed to engage with the Council’s corporate priorities.</p> <p>The Council also nominates a Member to sit on the North East London Joint Health Overview and Scrutiny Committee, and may also nominates Members to sit on other joint Scrutiny Committees that may be established where the work of those committees relates to matters affecting Redbridge and its inhabitants.</p> <p>The overview and scrutiny function of the Council may, in carrying out these duties, look at anything which affects the area or the area’s inhabitants.</p> <p>More information on the operation of the Overview and Scrutiny and Policy Development functions, including the terms of reference for Committees, can be found at Part 6.</p> |
| <p>Article 7</p> <p>Planning Committee and Licensing Committee</p> | <p>The Council will appoint a Planning Committee and a Licensing Committee. The Licensing Committee will appoint Licensing Sub-Committees to deal with individual licensing matters.</p> <p>More information on the operation of these Committees can be found in separate rules of procedure.</p> |
| <p>Article 8</p> <p>Other Committees of the Council and Joint Arrangements</p> | <p>The Council will operate a range of Committees to perform its functions.</p> <p>The terms of reference and other arrangements relating to these committees are set out in Part 5.</p> <p>The Council may use its power of general competence to establish joint arrangements with one or more local authorities or other public bodies, and/or their Executive, to exercise decision-making or other functions. This</p> |

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| | <p>may include the establishment of joint arrangements, further to rules set out in Part 4.</p> <p>Arrangements as to the appointment of individuals to participate in the formal business of such bodies is set out in Part 4.</p> |
| <p>Article 9 Officers</p> | <p>The Council may engage such staff as it considers necessary to carry out its functions.</p> <p>The following officers have been designated by Council to carry out certain statutory functions:</p> <ul style="list-style-type: none"> • The Chief Executive shall carry out the duties of the Head of Paid Service • The Director of Assurance, shall carry out the duties of the Monitoring Officer • The Executive Director, Resources, shall carry out the duties of S151 officer / Section 151 Officer. <p>The responsibility for setting out arrangements for the employment and management of these staff will sit with the Head of Paid Service (Chief Executive).</p> <p>The Head of Paid Service, the s151 officer (Executive Director Resources) and Monitoring Officer (Director of Assurance) hold specific formal duties as to the good governance of the authority. More detail regarding these duties can be found in the Statutory Officer Protocol and the Monitoring Officer Protocol at Part 7.</p> <p>The Council may appoint other Chief Officers.</p> <p>Officers' conduct and behaviour is subject to the Officer Code of Conduct and the Seven Principles of Public Life.</p> <p>Further detail on the roles and responsibilities held by officers, individually and collectively, can be found at Part 4.</p> |
| <p>Article 10 Decision-making</p> | <p>Detailed rules on decision-making, including the principles that should underpin decision-making activity, are set out in Part 4.</p> <p>Some decisions must, by law, be made by Full Council. Some decisions must, by law, be made by the Cabinet/Executive. There are certain decisions, known as "local choice" functions, that may be made by either body – arrangements for all of these functions can be found at Part 5 Section 2.</p> <p>Certain regulatory decisions are made by Planning and Licensing Committees. Rules relating to these decisions are set out in separate rules of procedure. Some quasi-judicial decisions are made by other bodies, and rules relating to these are set out in Part 6.</p> |

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| <p>Article 11</p> <p>Finance, Contracts and Legal Matters</p> | <p>Details on the finance and contract matters are covered in Part 5 of the Constitution.</p> <p>Rules relating to legal proceedings, authentication of documents and the use of the Common Seal of the Council are covered in Part 5.</p> |
| <p>Article 12</p> <p>Review and revision of the Constitution</p> | <p>The General Purposes Committee will periodically consider the operation of the Constitution, supported by the Monitoring Officer, who shall keep the effectiveness of the Constitution under ongoing review.</p> <p>Changes to the Constitution will be made according to rules set out in Part 5.</p> <p>The Scheme of Cabinet Member Delegation forms part of the Constitution but is not subject to these rules. This Scheme may be changed at the discretion of the Leader in accordance with the rules set out in Part 4, and such changes will take effect immediately.</p> |
| <p>Article 13</p> <p>Suspension, Interpretation and Publication of the Constitution</p> | <p>The Articles of the Constitution may not be suspended. Other parts of the Constitution may only be suspended where specific authority exists, in the Constitution and in law, to do so.</p> <p>Any substantial amendment to the Constitution must be agreed by Full Council, further to a recommendation from General Purposes Committee. The Monitoring Officer is empowered to make changes:</p> <ul style="list-style-type: none"> • Of a minor nature (i.e. to correct minor errors and conflicts, and to make necessary minor updates as required by law e.g. references to legislation, but not including substantive changes required by law); • Of a more substantial nature where to do so would be necessary to ensure that the Council complies with law, and/or to respond to an emergency or unforeseen circumstances, in which case the change shall be notified to all Councillors and agreed, in writing by the Chair of General Purposes Committee and the Chair of Full Council subject to the formal agreement of both of those bodies in due course. <p>The ruling of the Mayor, advised by the Monitoring Officer, as to the application of the Constitution, including the Procedure Rules, shall not be challenged at any meeting of the Council.</p> <p>The Monitoring Officer will settle any dispute as to the meaning of any part of the Constitution.</p> <p>If the Monitoring Officer considers that any part of the Constitution, which forms a part of the legal obligations held by the Council, has been breached, they will issue a formal report to Council under the procedure set out in Part 5.</p> |

Part 2: Roles and rights of councillors

Section 1 – Councillor Roles and Job Descriptions

- 1.1: Councillors and their roles overall**
- 1.2: Conduct**

Section 2 – Councillors’ Rights to Access Information

- 2.1: Rights held by all members**
- 2.2: Rights held by non-Executive Councillors**
- 2.3: The rights of members of Overview and Scrutiny committees**
- 2.4: Councillors’ duties of confidentiality**

Section 3 – Councillors’ interests

- 3.1: Registering interests**
- 3.2: Non-participation in case of disclosable pecuniary interest**
- 3.3: Disclosure of other registrable interests**
- 3.4: Disclosure of registrable interests**

Section 1: Councillors' roles and job descriptions

1.1: Councillors and their roles overall

Election arrangements

1. The regular election of Councillors will normally be held on the first Thursday in May every four years, i.e. in 2026, 2030, 2034 and so on. The term of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

Councillors' roles

2. Councillors occupy a range of roles. A set of role profiles is set out in Appendix 1 to this Section.

Councillors' rights

3. The general rights of all Councillors shall be as follows. This list is not exhaustive and does not include rights to which certain Councillors may benefit dependent on their appointment to specific roles.
 - (i) Councillors will have rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law, subject to section 2 below.
 - (ii) Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.
 - (iii) For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 3 of this Constitution.
 - (iv) More information about Councillors' rights to access information (including definitions of "confidential" and "exempt") can be found in Section 2 of this Part of the Constitution.

1.2: Conduct

1. When undertaking their role as Councillors, Councillors will at all times have regard to the:
 - Members' Code of Conduct (at Part 7 section 2)
 - the Protocol on Member/Officer Relations (at Part 7 section 4)
 - the Statutory Officer Protocol and Monitoring Officer Protocol (at Part 7 section 3)
 - the rules on conduct in meetings (at Part 5)
2. Councillors will behave in a way that reflects the Seven Principles of Public Life:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

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

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

Allowances

3. Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 7 of this Constitution.

Appendix: Descriptions of roles occupied by Councillors

ALL COUNCILLORS

MAIN PURPOSE:

- To represent effectively the interests of the ward for which the Councillor is elected and deal with constituents' enquiries and representations.
- To champion causes which best relate to the interest and sustainability of the community.
- To build wider community cohesion and public engagement within Redbridge.
- To participate effectively in policy making.

Duties and Responsibilities (to include but not limited to):

1. To ensure that all duties are performed in compliance with the highest standards of probity, integrity and equality.
2. To be familiar with, and to comply at all times with, the Council's Members' Code of Conduct and to understand the need for impartiality, disclosure of interests, to guard against lobbying, and to understand the personal liabilities and legal penalties that may arise from any breaches of the code
3. To represent the Council to the community, and vice versa, by participating actively in the available forums.
4. To participate fully in matters reserved to the Full Council meeting.
5. To develop and maintain a working knowledge of the Council's services, management arrangements, powers, duties and constraints.
6. To develop constructive working relationships with relevant Council officers where briefings are sought to improve understanding of key issues.
7. To develop and maintain a working knowledge of the organisations, services, activities and other factors which impact on the community's wellbeing and identity by attending briefings, reading reports, talking to residents, and by asking questions.
8. To work closely with community groups, community representatives and other agencies within and beyond your ward.

9. To promote the economic, social and environmental wellbeing of a community whilst having regard to the effects on other communities and the borough as a whole.
10. To give constituents an opportunity to raise issues of concern or personal concern and to take the appropriate action.
11. To attend all meetings for committees and bodies to which the member has been appointed unless there is a bona fide reason not to attend.
12. To make appropriate use of information technology as a means of effective communication.
13. To participate in all training and development programmes to acquire relevant skills to ensure that the member's role is undertaken as effectively as possible.
14. To be aware of their responsibilities for health and safety, and to act in accordance with those responsibilities;
15. To understand safeguarding requirements and the responsibilities of being a Corporate Parent.
16. To comply with GDPR and to treat all information acquired, both formally and informally, in strict confidence and in accordance with Caldicott principles.
17. To consider all relevant information presented when making a decision and to make decisions in fulfilment of legal obligations.
18. To take part in community events organised by the Council.
19. To be active in scrutinising the decisions of the Cabinet and the Council
20. To communicate clearly and effectively both face to face and over email and social media in a manner that reflects the Council in a good light at all times.

LEADER OF THE COUNCIL

MAIN PURPOSE:

To provide effective political Leadership and strategic direction for the Council, and to ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To provide strong leadership to the Council in the delivery of its Vision and Priorities and in the setting of high standards of good governance and ethical behaviour. decision-making
2. To provide political leadership to the Council, including leading the development of the Council's Policy Framework.
3. To lead the overall activities of the Cabinet to ensure that decisions made are well informed, appropriate, fulfil the agreed objectives of the Council and accord with the Constitution's principles of decision-making.
4. To support the training and development of the Council's Cabinet so that it can undertake its responsibilities as effectively as possible.
5. To ensure the effective integration of roles, responsibilities and functions within the Cabinet membership.
6. To take the lead in overseeing the monitoring of relevant spend within service budgets is included in the remit of portfolio holders.
7. To establish and maintain an appropriate work programme and undertake agenda planning for the Cabinet.
8. To ensure the preparation and publication of a Forward Plan of key decisions.
9. To create the environment for positive and constructive working relationships between the Cabinet and senior Officers.
10. To be the representative voice of the Council when appropriate, eg. in dealings with central Government, other local authorities and partner agencies.
11. To promote flagship projects of strategic significance to the borough.

12. To take a lead in forming partnerships with other local, public, private, voluntary and community organisations.
13. To act as the political spokesperson for the Council.
14. To ensure the effective communication of policies and recommendations of the Cabinet.
15. To have regard to the views expressed by the Council's Scrutiny Committees and ensure that their recommendations are fully considered.
16. To ensure that the principles of equality and fairness are integral to all actions and policies of the Council.

DEPUTY LEADER OF THE COUNCIL

(To be read in conjunction with portfolio brief)

MAIN PURPOSE:

- To deputise for the Leader in their absence;
- To provide strong and fair political leadership and the strategic direction for the effective delivery of services within the relevant portfolio;
- To ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To assist the Leader in the formal processes and matters of leadership of the Council as set out in the Leader of the Council role description.
2. To share responsibility for the performance of services and functions within the relevant portfolio with Chief and Deputy Chief Officers.
3. To act as spokesperson within and outside the Council on those services.
4. To propose new policy and strategic thinking and to make recommendations to the Executive on matters within the relevant portfolio and on cross cutting issues as appropriate.
5. To share collective responsibility for decisions taken by the Cabinet.
6. To take the lead in overseeing the monitoring of spend within service budgets included in the remit of the portfolio.
7. To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the Council.
8. To attend and/or chair meetings in relation to the portfolio responsibilities.
9. To ensure effective communication of the decisions related to the portfolio responsibilities to the Council, all Members, the community and all appropriate agencies/bodies.

10. To have regard to the Council's Scrutiny Committees to ensure that recommendations in relation to the portfolio responsibilities are fully considered and responded to.
11. To seek to involve and consult members in the area of work within the portfolio, particularly members of the relevant Overview and Scrutiny committees.
12. To seek appropriate advice and support from officers of the Council.
13. To ensure awareness of good practice within the Council and elsewhere.
14. To undertake training relevant to the areas of the portfolio responsibilities.
15. To undertake media and other public affairs work on behalf of the Council.

CABINET MEMBER

MAIN PURPOSE:

- To provide strong and fair political leadership and the strategic direction for the effective delivery of services within the relevant portfolio;
- To ensure that the Council delivers high quality, efficient, value for money services.

Duties and Responsibilities (to include but not limited to):

1. To have relevant transferable skills, experience and knowledge that demonstrate capability in the role.
2. To understand the time commitment involved and be able to meet the time and decision-making demands required of the role.
3. To share responsibility for the performance of services and functions within the relevant portfolio with Chief and Deputy Chief Officers.
4. To act as spokesperson within and outside the Council on those services.
5. To propose new policy and strategic thinking and to make recommendations to the Cabinet on matters within the relevant portfolio and on cross cutting issues as appropriate.
6. To share collective responsibility for decisions taken by the Cabinet.
7. To take the lead in overseeing the monitoring of spend is within service budgets included in the remit of the portfolio.
8. To ensure the delivery of best value and continuous improvement in services and implementation of best practice in the Council.
9. To attend and/or chair meetings in relation to the portfolio responsibilities.
10. To ensure effective communication of the decisions related to the portfolio responsibilities to the Council, the community and all appropriate agencies/bodies.
11. To take a lead on external partnership working in the relevant area of responsibility.
12. To have regard to the relevant and Scrutiny Committee and task groups, attend the relevant meeting and to ensure that recommendations in

relation to the portfolio responsibilities are fully considered and responded to.

13. To seek to involve and consult members in the area of work within the portfolio, particularly members of the relevant Overview and Scrutiny committees.
14. To seek appropriate advice and support from officers of the Council.
15. To ensure awareness of good practice within the Council and elsewhere.
16. To undertake training relevant to the areas of the portfolio responsibilities.
17. To undertake media and other public affairs work on behalf of the Council.
18. To be accessible to and respond to service users with respect to portfolio responsibilities.

CHAIR AND VICE CHAIR OF SCRUTINY COMMITTEE

MAIN PURPOSE:

- To ensure the effective management and running of the Scrutiny Committee in order to assist the Council and Cabinet in the development of the Policy Framework and Budget.
- To ensure the effective management and running of the Committee in order to scrutinise the decisions made or other action taken in connection with the discharge of any of the local authority's executive functions, and scrutinise external organisations and agencies which are in the scope of the Committee.
- To Chair the meetings of the Scrutiny Committee to ensure that they provide constructive challenge to Cabinet or Portfolio Holder decisions and to ensure that they are conducted in accordance with the law and the Council's own procedure rules.
- To manage the scrutiny process in a manner which maintains political neutrality.

Duties and Responsibilities (to include but not limited to):

1. To take a lead in assisting the development of policy by in-depth analysis of policy issues.
2. To take a lead in the review, challenge and questioning of the formulation and implementation of agreed policy and service delivery and to make recommendations to the Cabinet and Council to improve policy, performance and service delivery.
3. To develop a clear understanding of the terms of reference of the Scrutiny Committee, and the scope and range of the services for which the committee is responsible.
4. To submit an annual report to the Full Council on the activities of the Committee.
5. To ensure the work of the Committee contributes to the delivery of best value and continuous improvement in services and implementation of best practice.

6. To agree all agendas for Committee meetings and take a lead in developing a forward work programme and ensuring it is adhered to.
7. To attend relevant training and to be aware of changes to legislation relevant to scrutiny functions.
8. To ensure that the Cabinet and Council members are briefed at the appropriate time of significant issues.
9. To invite officers, service users, and external agencies to give evidence, answer questions, and give presentations at Scrutiny meetings.
10. To seek and consider Officer advice when appropriate.

CHAIR OF LICENSING COMMITTEE

MAIN PURPOSE:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
-
- To determine alcohol and entertainment licensing applications in accordance with the terms of reference of the alcohol and licensing sub-committee.

Duties and Responsibilities (to include but not limited to):

1. To show leadership and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To work with the Licensing Manager to review the performance of the committee and to support new members.
5. To attend pre-committee briefings with officers and the vice chair.
6. To ensure that members of the public are clear about the roles and responsibilities of people at committee.
7. To ensure that members of the public are clear about the decision-making process.
8. To ensure that public speaking arrangements are implemented in accordance with Procedure Rules.
9. To ensure that decisions made are clear and reflected in the minutes of meetings.
10. To take part in decision-making as a committee member and in accordance with the relevant code of conduct and terms of reference.

MEMBER OF LICENSING COMMITTEE

MAIN PURPOSE:

To hear and determine alcohol and entertainment licensing applications in accordance with the terms of reference of the alcohol and licensing sub-committee.

Duties and Responsibilities (to include but not limited to):

1. To implement the Council's licensing policies in a way that supports business development whilst protecting amenity.
2. To attend meetings of the committee and assigned sub-committee
3. To read, know and understand the licensing code and underlying reasons for applications, and the work carried out by licensing officers.
4. To maintain high standards of procedure, behaviour and ethics in making decisions, in accordance with law and relevant codes of practice.
5. To attend relevant training and be aware of changes to legislation in relation to licensing procedures.
6. To develop constructive and respectful working relationships with officers.

CHAIR OF PLANNING COMMITTEE

MAIN PURPOSE:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
- To make decisions on planning applications in accordance with the terms of reference of the Planning Committee.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Planning Committee

Duties and Responsibilities (to include but not limited to):

1. To show Leadership and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To work with the Head of Planning to review the performance of the committee and to support new members,
5. To attend pre-committee briefings with officers and the vice chair.
6. To ensure that members of the public are clear about the roles and responsibilities of people at committee
7. To ensure that members of the public are clear about the decision-making process
8. To ensure that public speaking arrangements are implemented in accordance with Procedure Rules.
9. To ensure that decisions made are clear and reflected in minutes
10. To take part in decision-making as a committee member and in accordance with the relevant code of conduct and terms of reference.

MEMBER OF PLANNING COMMITTEE

MAIN PURPOSE:

- To make decisions on planning applications in accordance with the terms of reference of the Planning Committee.
- To consider schemes at pre-application stage in accordance with the terms of reference of the Planning Committee

Duties and Responsibilities (to include but not limited to):

1. To implement the Council's planning policies as set out in the Development Plan, to help secure the Council's growth and regeneration objectives.
2. To foster and maintain a disciplined approach to considering planning applications and pre-application schemes, namely:
 - To have read the reports in advance
 - To attend all relevant site visits
 - To approach decision-making with an open mind
 - To attend all Planning briefings
3. To maintain high standards of procedure, behaviour and ethics in making decisions, in accordance with planning law and relevant codes of practice.
4. To attend relevant training
5. To develop constructive and respectful working relationships with officers.
6. To seek early resolution of any points of clarification or concern from planning officers following publication of the report, before the committee meeting.

CHAIR OF GOVERNANCE AND ASSURANCE COMMITTEE

MAIN CAPABILITIES:

- To chair and manage Committee meetings and ensure that the Committee adheres to its terms of reference
- To assess the adequacy of the risk management framework and the internal control environment across the organization.
- To review the authority's integrated governance, risk management and control frameworks.
- To oversee the annual financial reporting and annual governance processes.
- To ensure efficient and effective assurance arrangements are in place.
- To consider the Members Code of Conduct.
- To approve the annual audit plan – Ensure that audit resources are focussed on areas that represent the highest risk.
- To review periodic updates on the work of Internal Audit – Oversight of key audit issues and hold management to account to ensure the organisation has a robust system of internal control.
- To review the Annual Internal Audit opinion – Review the assessment of the effectiveness of the organisation's framework of internal control and review of effectiveness of the internal audit function.
- To hold management to account – Ensure there is management representation at committee in the instance of serious issues identified by audit.
- To challenge audit coverage – Enquire how assurance is being obtained over contextual issues and risks.
- Escalation and oversight of key issues – Escalate significant issues for consideration at Scrutiny committee. Request detailed updates from management around what action is being taken to resolve key control issues identified.

- To think about the bigger picture – Consider whether issues you are aware of or poor Council performance may be in relation to control weaknesses and proactively flag this to audit.

Duties and Responsibilities (to include but not limited to):

1. To show Leadership, direction and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To ensure any breach of duty is considered and followed under the scheme's procedure.
5. To work with the Monitoring Officer to review the performance of the committee and support new members.
6. To attend pre-committee briefings with officers.
7. To ensure that decisions made are clear and reflected in minutes.
8. To ensure that members of the public are clear about the decision-making process and are aware of the public speaking arrangements.
9. To submit recommendations to Cabinet and Full Council.
10. To participate in the decision-making process as a committee member and in accordance with the relevant code of conduct and terms of reference.
11. To seek and consider advice when appropriate.

MEMBER OF GOVERNANCE AND ASSURANCE COMMITTEE

MAIN CAPABILITIES:

- To assess the adequacy of the risk management framework and the internal control environment across the organization.
- To review the authority's integrated governance, risk management and control frameworks.
- To oversee the financial reporting and annual governance processes.
- To ensure efficient and effective assurance arrangements are in place.
- To consider the Members Code of Conduct.
- To approve the annual audit plan – Ensure that audit resources are focussed on areas that represent the highest risk.
- To review periodic updates on the work of Internal Audit – Oversight of key audit issues and hold management to account to ensure the organisation has a robust system of internal control.
- To review the Annual Internal Audit opinion – Review the assessment of the effectiveness of the organisation's framework of internal control and review of effectiveness of the internal audit function.
- To hold management to account – Ensure there is management representation at committee in the instance of serious issues identified by audit.
- To challenge audit coverage – Enquire how assurance is being obtained over contextual issues and risks.
- Escalation and oversight of key issues – Escalate significant issues for consideration at Scrutiny committee. Request detailed updates from management around what action is being taken to resolve key control issues identified.
- To think about the bigger picture – Consider whether issues you are aware of or poor Council performance may be in relation to control weaknesses and proactively flag this to audit.

- To participate in the decision-making process as a committee member and in accordance with the relevant code of conduct and terms of reference.

CHAIR OF PENSION FUND COMMITTEE

MAIN CAPABILITIES:

To Chair the Committee responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Pension Fund liabilities, including the following:

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the Pension Fund Managers, Custodian and Pension Fund Advisers
2. To monitor and review the performance of the Fund and of the individual Pension Fund Managers, Custodian and Pension Fund Advisers;
3. To approve the Pension Fund Investment Strategy
4. To approve the Pension Investment Strategy Statement, the Funding Strategy Statement and other policy statements
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant;
6. To review the votes cast by Fund Managers at Annual General and Extraordinary company meetings;
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts;
9. To receive actuarial valuations of the Pension Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent reviews;
10. To consider other strategic issues referred to the committee by the s151 officer.
11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LGPS regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable;

13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board
14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

Duties and Responsibilities (to include but not limited to):

1. To show Leadership, direction and represent the interests of the Council.
2. To ensure that meetings function in an orderly and efficient manner.
3. To ensure that decisions are taken transparently and fairly.
4. To ensure any breach of duty is considered and followed under the scheme's procedure.
5. To secure compliance with the scheme regulations and other legislation relating to the governance and administration of the scheme.
6. To ensure that decisions made are clear and reflected in minutes
7. To take part in decision-making as a committee member and in accordance with the relevant code of conduct and terms of reference.
8. To attend pre-committee briefings with officers.
9. To ensure that members of the public are clear about the roles and responsibilities of people at committee
10. To ensure that members of the public are clear about the decision-making process.

MEMBER OF PENSION FUND COMMITTEE

MAIN PURPOSE:

To be responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Fund liabilities.

Duties and Responsibilities (to include but not limited to):

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the PensionFund Managers, Custodian and PensionFund Advisers.
2. To monitor and review the performance of the Fund and of the individual PensionFund Managers, Custodian and PensionFund Advisers.
3. To approve the Pension Fund Investment Strategy.
4. To approve the Pension Investment Strategy Statement, the Funding Strategy Statement and other policy statements.
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant.
6. To review the votes cast by Pension Fund Managers at annual general and extraordinary company meetings.
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts.
9. To receive actuarial valuations of the Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent reviews.
10. To consider other strategic issues referred to the committee by the s151 officer.

11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LGPS regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable;
13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board
14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

CHAIR OF LOCAL PENSION BOARD

MAIN CAPABILITIES:

- To ensure the Board delivers its purpose as set out in the Terms of Reference of the Local Pension Board;
- To ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered;
- To seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached.
- To assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.
- To at all times act in a reasonable manner and abide by the code of conduct for Board members.
- To attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- To participate in such personal training needs analysis or other processes that are put in place in order to ensure that the required level of knowledge and understanding is maintained to carry out their role on the Board.
- To seek and consider advice when appropriate

MEMBER OF LOCAL PENSION BOARD

MAIN CAPABILITIES:

- To assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:
 - (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
 - (b) to ensure the effective and efficient governance and administration of the Scheme.
- To at all times act in a reasonable manner and abide by the code of conduct for Board members.
- To attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.
- To participate in such personal training needs analysis or other processes that are put in place in order to ensure that the required level of knowledge and understanding is maintained to carry out their role on the Board.
- To seek and consider advice when appropriate

CHAIR OF HEALTH & WELL-BEING BOARD

MAIN CAPABILITIES:

To Chair the Health & Well-Being Board in advancing the health and wellbeing of people in Redbridge, including assisting the Board to :

- Encourage persons who arrange for the provision of any health or social care services in Redbridge to work in an integrated manner.
- Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- Encourage persons who arrange for the provision of any health-related services in Redbridge to work closely with the Health and Wellbeing Board.
- Encourage persons who arrange for the provision of any health or social care services in Redbridge and persons who arrange for the provision of any health-related services in Redbridge to work closely together.
- Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - (a) prepare and publish a Joint Strategic Needs Assessment and
 - (b) prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
- Prepare and publish a local Pharmaceutical Needs Assessment (PNA) – an overview of local pharmaceutical needs, services and gaps in provision.
- Appoint such additional persons to be members of the Board as it thinks appropriate.

MEMBER OF HEALTH & WELL-BEING BOARD

MAIN CAPABILITIES:

To assist the Health and Well-Being Board in advancing the health and wellbeing of people in Redbridge, including assisting the Board to :

- Encourage persons who arrange for the provision of any health or social care services in Redbridge to work in an integrated manner.
- Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
- Encourage persons who arrange for the provision of any health-related services in Redbridge to work closely with the Health and Wellbeing Board.
- Encourage persons who arrange for the provision of any health or social care services in Redbridge and persons who arrange for the provision of any health-related services in Redbridge to work closely together.
- Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - (a) prepare and publish a Joint Strategic Needs Assessment and
 - (b) prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
- Prepare and publish a local Pharmaceutical Needs Assessment (PNA) – an overview of local pharmaceutical needs, services and gaps in provision.
- Appoint such additional persons to be members of the Board as it thinks appropriate.

Section 2: Rights of access to documents for Councillors

2.1: Rights held by all Councillors

1. All Councillors hold a right in common law to access information held by the authority if they can demonstrate a “need to know” that information. This need reflects the role and responsibilities that a Councillor might hold – so a Cabinet Member, or Shadow Cabinet Member might be in a position to demonstrate a broader need to know information relating to their portfolio (and Cabinet business overall) than another Councillor. Overall the Councillor will need to demonstrate that:
 - Access is necessary to carry out their duty as a Councillor, or
 - The document includes material which relates to Agenda items for Council or Committee meetings or meetings of other subsidiary bodies.
2. Councillors can exercise this right by applying in writing to the Monitoring Officer to inspect any document in the possession or control of the Council if it is not covered by the list at 4 below (Documents To Which Councillors Do Not Have Access).
3. If the Monitoring Officer determines that a Councillor should not have access to information or a document under the provisions of this section, or further to other rights that the Councillor may hold, written reasons will be given.
4. Councillors will not have access to the following information (unless they hold a right to access that information under another enactment, or unless the Monitoring Officer determines that – where permitted by law – the conduct of business by the Council requires that the Councillor holds access):
 - a. Any document relating to a matter in which the Councillor holds a disclosable interest, or in which the Councillor holds a professional interest;
 - b. Any document relating to a matter where a Councillor is taking legal action against the Council in respect of that matter;
 - c. Any legally privileged document or document relating to legal proceedings;
 - d. Any document relating to a personal matter relating to an employee of the Council, a contractor, a resident or another Councillor. For the avoidance of doubt this includes personal details or employment records of council officers;
 - e. Any document relating to contracts for the acquisition or disposal of property, or the supply of goods, works or services;
 - f. Any document relating to consultation or negotiations on labour relations;
 - g. Any document relating to the prevention, investigation or prosecution of crime.
5. All Councillors are entitled to inspect any document which is in the possession or under the control of the Executive and which contains material relating to any business to be transacted at a public meeting. Any such document must be available for inspection for at least five clear working days before the meeting.
6. However, if the meeting is convened at shorter notice, it must be available for inspection when the meeting is convened and if the document relates to an item which is added to the agenda at shorter notice it must be available for inspection when the item is added to the agenda.

2.2: Rights held by non-Executive Councillors

1. Councillors who are not members of Cabinet have the right to inspect any document under the control of the Cabinet and which contains material relating to any business previously transacted at a private meeting of Cabinet unless:
 - it contains exempt information falling with paragraphs 1-2, 4-5 and 7 of the categories of exempt information; or
 - Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended) to the extent that the information relates to any terms proposed or to be proposed by or to the authority in the course of negotiations for a contract; or
 - it contains the advice of a political adviser.

2.3: The rights of members of Overview and Scrutiny Committees

1. Members of Overview and Scrutiny Committees benefit from further rights to access information held by the authority.
2. Any member of an Overview and Scrutiny Committee will be entitled to copies of any document which is in the possession or control of the Executive (or its committees) and which contains material relating to
 - any business transacted at a public or private meeting of the Executive or its committees; or
 - any decision taken by an individual Member of the Executive; or
 - any decision taken by an officer of the authority exercising an Executive function.
3. A member of an Overview and Scrutiny Committee will not be entitled to:
 - any document that is in draft form;
 - any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise (which may include an intention on the part of a Councillor to call a decision in); or
 - the advice of a political adviser.
4. Copies of documents requested under Rule A must be supplied within 10 clear working days of receipt of the request.
5. If the Monitoring Officer determines that a Councillor is not entitled to access documents requested under paragraph 2 they shall provide written reasons why not.

2.4: Councillors' duties of confidentiality

1. Councillors will not make information public, or share it with another person, if that information is confidential or exempt. This is also the case if the Councillor in question believes that the person, or persons, with whom they wish to share the information is entitled to see it.
2. The only exception to the rule set out in paragraph 1 is if express permission has been

provided by the Monitoring Officer.

3. A failure to follow these rules and directions could lead to a breach of the law. This might lead to the Council, or an individual Councillor, being held liable for such a breach – a finding which could have serious consequences.
4. Any information considered at Full Council, a Committee or Sub-Committee which falls to be dealt with as confidential and the relevant body's discussion in relation to the item shall be kept confidential and may only be disclosed to and discussed by the following:
 - Councillors, only where all Councillors in question have the separate right to access that information. Such information cannot be shared, or discussed, with any other Councillor;
 - other persons appointed under Section 102 of the 1972 Act as members of Committees or Sub-Committees;
 - such officers of the Council as are concerned with the matter in the course of their duties;
 - the Designated Independent Person (in respect of Members' complaints under the Code of Conduct)
 - such other persons to whom in the Monitoring Officer's opinion the item of 'business or report ought to be disclosed in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council;

and there shall be no further disclosure of any such information to any person.

5. The meaning of "disclosure" in paragraph 4 includes disclosure of information by a Councillor in the course of discussion with another Councillor to whom the information has not otherwise been disclosed.
6. Such information will be contained in any report marked "not for publication" and which sets out the nature of the exempt or confidential information which it contains.
7. From time to time Cabinet, Council or a committee may convene an informal working party for the purpose of meeting and holding discussions with an individual, body of individuals or organisation separate from the Council.
8. When this happens, information shared with Councillors (and other individuals) in the course of such a working party shall not be disclosed to any other person until the proceedings of that working party has been reported to Cabinet, the relevant Overview and Scrutiny Committee, or whichever other body has commissioned the work.
9. An item of business or report shall remain confidential until its confidentiality is removed by decision of the Committee or Sub-Committee concerned, or by the Full Council or in exceptional circumstances, the Monitoring Officer.

Section 3: Councillors' interests

This section is addressed to councillors, and sets out their obligations with regard to the registration and declaration of interests. This section repeats the relevant information in Appendix B of the Members' Code of Conduct at Part 7.

3.1: Registering interests

1. Within 28 days of becoming a Councillor, or your re-election or re-appointment to office, you must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 (Disclosable Pecuniary Interests) which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners. (Partner is used in a way that is distinct from a person who may be a partner in a business).

2. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
3. A **'sensitive interest'** is an interest which, if disclosed, could lead to the Councillor, or a person connected with the Councillor, being subject to violence or intimidation.
4. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register (pursuant to s.32(2) of the Localism Act 2011).

3.2: Non participation in case of disclosable pecuniary interest

1. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in Table 1, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest. It is your responsibility to apply for the Dispensation.

3.3: Disclosure of Other Registerable Interests

1. Where a matter arises at a meeting which directly relates to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter, and you may not remain in the room unless you have been granted a dispensation. If it is a "sensitive interest", you do not have to disclose the nature of the interest.

3.4: Disclosure of non-registerable interests

Non-registerable interests which directly affect a Councillor's financial interest or wellbeing

1. Where a matter arises at a meeting which **directly relates** to your financial interest or wellbeing (and it is not a disclosable pecuniary interest as set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote in the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest
2. Where a matter arises at a meeting which **affects** –
 - a. Our own financial interests or well-being;
 - b. A financial interest or well-being of a relative or close associate; or
 - c. A financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2

you must disclose the interest. You can then remain in the meeting, participate and vote after disclosing your interest unless the following paragraph applies.

3. Where a matter (referred to in the previous paragraph above) **affects** the financial interests or well-being:
 - a. To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision; and
 - b. A reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest.

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest. Please contact the Monitoring Officer should you require guidance on this.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#)

In this table:

- a “director” includes a member of the committee of management of an industrial and provident society.
- “securities” mean shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money, depositing with a building society.

| Subject | Description |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the Council) made to the Councillor during the previous 12-month period for expenses incurred by them in carrying out their duties as a Councillor, or towards their election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | Any contract made between the Councillor or their partner (or a firm in which such person is a (b u s i n e s s) partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged. |
| Land and Property | Any beneficial interest in land which is within the area of the Council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the Councillor or their partner a right to occupy or to receive income. |
| Licenses | Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer) |

| | |
|-----------------------------|---|
| Corporate tenancies | <p>Any tenancy where (to the Councillor's knowledge)</p> <ul style="list-style-type: none"> • the landlord is the Council, and • the tenant is a body for which one of the following individuals is a director or has a beneficial interest in the securities: <ul style="list-style-type: none"> ○ a Councillor, ○ the partner of a Councillor, |
| Securities | <p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none"> • that body (to the Councillor's knowledge) has a place of business or land in the area of the Council and either: <ul style="list-style-type: none"> ○ the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or ○ if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the Councillor, or his partner, have a beneficial interest exceeds one hundredth of the total issues share capital of that class. |
| Other registrable interests | <ul style="list-style-type: none"> a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control of management |

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) Any unpaid directorships
- b) Any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) Any body
 - (i) Exercising functions of a public nature
 - (ii) Directed to charitable purposes or
 - (iii) One of whose principal purposes includes the influence of public opinion or policy (including political party or trade union)Of which you are a member or in a position of general control of management.

Part 3: Rights of the public

Contents

Section 1 – The Public’s Rights Overall

Section 2 – Protocol on public participation at council meetings

- 2.1: Introduction
- 2.2: Disruptive behaviour
- 2.3: Recording and broadcasting
- 2.4: Public questions at full Council
- 2.5: Public questions at other meetings

Section 3 – Petitions

- 3.1: Overview of arrangements for petitions
- 3.2: The subject matter for petitions
- 3.3: General rules for collecting signatures online
- 3.4: Step by step description of how petitions are managed once submitted
- 3.5: Making sure the petition scheme works effectively

Section 4 – Deputations to Council

- 4.1: What are deputations, and who is entitled to present them?
- 4.2: Form of deputations and deadline

Section 5 – The public’s right to access information held by the Council

- 5.1: Scope
- 5.2: Access to meetings and to information about meetings
- 5.3: Special rules applying to the executive and the making of key decisions

Section 1: The public's rights overall

1. Members of the public have the following rights. Their rights to information and to participate are explained in more detail in Parts 3 and 4 of this Constitution.
 - **Voting.** Individuals on the electoral roll for the area have the right to vote in local and other elections for which they are eligible to vote.
 - **Information.** Members of the public have the right to:
 - Attend meetings of the Council, the Cabinet and Committees except where confidential or exempt information is likely to be disclosed, and the meeting is therefore held in private;
 - Find out from the Forward Plan what key decisions will be taken by the Executive or Officers and when;
 - See reports and background papers, and any records of decisions made by the Council, the Executive and Committees which are open to the public; and
 - Inspect the Council's accounts during the audit process and make their views known to the external auditor.
 - **Participation.** Members of the public have the right to participate in public question time where provided for in the Procedure Rules in Part 5.
 - **Complaints.** Members of the public have the right to complain to:
 - The Council itself under its corporate complaints procedure;
 - The Ombudsman after using the Council's own complaints procedure; and
 - The Monitoring Officer, if the complaint relates to a Councillor, about a breach of the Members' Code of Conduct.

Section 2: Public Participation at Council, Cabinet and Committee meetings.

2.1: Introduction

1. The Council welcomes public participation from members of the public at Council, Cabinet and Committee meetings.
2. The Council's Constitution sets out rules to ensure that speaking at meetings is easily accessible and fair to participants, whilst ensuring that the contributions that speakers wish to make are suitable for meetings held in public. These rules include ensuring that questions:
 - do not include lengthy introductions or accompanying statements, as there is limited time available on each agenda. All Questions submitted for full Council must be limited to questions only and a word limit of 100 words will be enforced. Statements or lengthy introductions will not be permitted at meetings of Council.
 - do not relate to a specific person.
 - MUST be the same as the question submitted to, and approved by, the relevant proper constitutional officers. Any requested deviations from the pre-submitted question must be submitted in advance of the meeting and may only be asked if approved in advance of the meeting.
 - are not a repetition of questions already asked and answered in the last six months. If an issue has already been raised in the last six months, it will not be accepted. Instead, a link to the recording where the previous question was asked and answered will be sent to the person making the enquiry or a written response will be sent.
3. There are notice requirements for the submission of questions, which are set out in Part xx section xxx.
4. Officers will ensure that the public participation rules are communicated properly to anyone requesting to speak at a Council, Cabinet or Committee meeting. Where participation at a public meeting is not appropriate, officers will provide the public with responses to their queries in writing.
5. All registered speakers must be able to attend the Council, Cabinet or Committee meeting in person to present their question. Registered speakers may not pass their question to unregistered persons.

2.2: Recording and broadcasting

1. The Council allows and welcomes any recording, photographing or filming of the proceedings of the Full Council, Cabinet, a Committee or Sub-Committee meeting, or use of social media by any member of the public, media or Councillor. The Chair will make an announcement at the beginning of the meeting, where appropriate.
2. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer) in advance of the meeting should they have any specific requirements.
3. The Chair has the discretion to terminate or suspend the recording or photography or filming of it if, in the opinion of the Chair, continuing to do so would disrupt the meeting. This power should be seen in the context of subsection B, above, on disruptive behaviour.

4. The circumstances in which termination or suspension might occur could include:
 - a) A disturbance sufficient to lead to the suspension of the meeting;
 - b) A disturbance on the part of the individual carrying out recording/broadcasting sufficient to lead to the suspension of the meeting;
 - c) A motion to exclude the public and press being moved and supported by Councillors;
 - d) The Chair, on advice of the Monitoring Officer, considering that continued recording/photography/filming/webcasting might infringe the rights of any individual;
 - e) The Chair, on advice of the Monitoring Officer, considering that a defamatory statement has been made.

2.3: Public questions at Full Council

Form of questions

1. A resident or business ratepayer of the borough may ask one written question (limited to 100 words) on any matter in relation to which the Council has powers, functions or responsibilities, at any ordinary or Budget meeting of the full Council.
2. Each question must provide the name and address of the questioner and name the Cabinet member to whom the question should be put.

Deadlines

3. For a question to be considered it shall be submitted in writing to the proper constitutional officer no earlier than 21 clear working days, and no later than five clear working days, in advance of the Full Council meeting in question.
4. Subject to acceptance of the question as being in order, the date and time of receipt of such requests will be recorded and a copy of the question will immediately be sent to the Cabinet member to whom it is to be put, and to the Mayor. The Mayor may decide to reject questions for the reasons set out in paragraph 7 below.
5. Rejected questions will include reasons for rejection.
6. Questions shall be addressed to the relevant Cabinet member who shall be responsible for the content of the answer. Questions shall not be addressed to an officer. Cabinet members shall have discretion to refer a question to another Cabinet member if this is appropriate.

Scope of Questions

7. The Mayor, will take advice from the Monitoring Officer, and may reject a question if it:
 - (i) is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
 - (ii) is not about a matter for which the Council currently exercises powers, functions or responsibilities
 - (iii) Is a comment or statement with which the questioner is inviting the Council to agree or disagree, or has multiple parts, and/or is more than 100 words in length, although at the discretion of the Mayor upon advice from the monitoring officer.

- (iv) is a request from a candidate at an election and made during the pre-election period taking into account the Code of Recommended Practice on Local Authority Publicity 2011.
8. The Mayor having, taken advice from the Monitoring Officer, must reject a question if it:
- (i) Is defamatory, frivolous or offensive
 - (ii) is substantially the same as a question which has been put at a meeting of the Council in the past six months
 - (iii) requires the disclosure of confidential or exempt information
 - (iv) concerns a planning or licensing application
 - (v) raises a grievance for which there are other established processes for resolution
 - (vi) relates to an investigation by, (whether completed or not), or ruling of, the audit, governance and standards committee or sub-committee insofar as the question relates to the behaviour or conduct of an individual Councillor or Councillors.

2.4: Public questions at other meetings

Questions with notice at Cabinet and Committee meetings

1. Questions may be asked, with notice, at meetings of Cabinet and Committees (separate rules exist for regulatory Committees such as Planning and Licensing).
2. Questions must be notified to the proper constitutional officer between the publication of the agenda for the meeting in question, and at least three clear working days in advance of the meeting. The proper constitutional officer will submit all questions received to the Chair.
3. The Chair may reject any question that meets the criteria set out in C(7), and must reject any question that meets the criteria set out in C(8). Additionally, the Chair may reject any question that does not relate to an item on the agenda for the meeting in question.
4. Rejections, and the reasons for rejection, will be notified to the person submitting the question by the proper constitutional officer.
5. Valid questions will be dealt with using the procedure set out in paragraph xxx.
6. The right of the public to ask questions is without prejudice to any additional right that members of the public may hold, and without prejudice to any special procedure that a Chair may, (on advice of the proper constitutional officer), wish to put in place for the conduct of a specific meeting (for example, in respect of a Committee's quasi-judicial duties).

Questions without notice at Cabinet and Committees

7. Questions may be asked without notice at any meeting of Cabinet and Committees only at the discretion of the Chair, on the advice of the Monitoring Officer or the proper constitutional officer. The question to be asked must be notified to the Chair, via the proper constitutional officer, in writing by the start of the meeting at the latest, to ensure that it meets the requirements set out below.

8. Questions may be asked at the beginning of the meeting at a point on the agenda set aside for such questions, or during the Committee's consideration of a substantive item on the agenda, at the discretion of the Chair.
9. Questions that do not relate to an item on the agenda may be asked at the discretion of the Chair on the advice of the Monitoring Officer.
10. The requirements referred to above are that questions conform to the same standards as are set down in paragraph C(7) and C(8) above. Furthermore, questions without notice may only be asked in exceptional circumstances.
11. The fact that a question was asked will be recorded in the minute of the meeting.
12. Questions asked without notice will not usually receive a substantive response. The Chair shall indicate to the questioner a timeframe in which a response will be given and the person who shall provide it.
13. Supplementary questions may be asked at the discretion of the Chair.
14. The maximum amount of time permitted for all public questions at any meeting shall not exceed 30 minutes (which shall include any responses). If public questions are asked at different points on the agenda this time limit shall apply to the total amount of time set aside for such questions.

2.5: Disruptive Behaviour

1. Occasionally speakers will attempt to use public participation at meetings to pursue complaints, make defamatory comments, or to raise matters that are not within the public participation rules.
2. The Council will take action to prevent misuse of public participation at meetings in a way that respects speakers' Convention rights to free speech and expression. If a speaker behaves in a way that is disruptive, or vexatious, or that harasses an individual, (who may or may not be present at the meeting), or if a speaker otherwise disregards the rules relating to public participation, this policy will be followed. The Council reserves the right to take pre-emptive action to prevent disruption as set out in xxx below.

Disorderly Conduct at Meetings

3. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the Chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair.
4. In the event of a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary for order to be restored.

Responding to Disorderly Conduct

5. In the first instance, the Committee Services Officer present at a meeting where there has been an abuse of public participation rules will notify the Head of Constitutional & Electoral Services and the Monitoring Officer.

6. The Head of Constitutional & Electoral Services will, in consultation with the Monitoring Officer, issue a warning to the speaker in writing or by email to explain why the behaviour is unacceptable and ask them to change this behaviour. The Head of Constitutional & Electoral Services will explain the actions that the Council may take if the behaviour does not change.
7. If the disruptive behaviour continues at a future meeting, or meetings, the Monitoring Officer will issue a letter or email to the speaker advising them that the way in which they will be allowed to participate at Council, Cabinet and Committee meetings in future will be restricted.
8. The Monitoring Officer will inform the speaker in writing of the procedures that have been put in place to manage this restriction, and for what period they will apply.
9. Any restriction that is imposed on the speaker's participation in meetings will be appropriate and proportionate. The speaker will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases, the restrictions would be reviewed on a quarterly basis.
10. Restrictions will be tailored to deal with the individual circumstances of the speaker and may include the speaker having appropriate pre-submitted questions or statements read out on their behalf by the Chair.
11. When the decision has been taken to apply this policy to a speaker, the Monitoring Officer will contact the speaker in writing to explain:
 - Why the Council has taken the decision
 - What action the Council is taking
 - The duration of that action
 - The review process of this policy
 - The right of the speaker to contact the Local Government and Social Care Ombudsman
12. A new request to speak after a period of restriction has ended will be treated on its merits. The Head of Constitutional & Electoral Services will decide whether any restrictions which have been applied before are still appropriate and necessary.
13. The fact that a speaker is judged to be unreasonably disruptive or vexatious, and any restrictions (including the timescale for those restrictions) imposed on permitting the speaker to participate in meetings, will be recorded and notified to those who need to know within the Council.

Pre-emptive action to prevent disruption

14. It will, exceptionally, be necessary to pre-emptively restrict access to a Council meeting to an individual, or to a group of people. This includes pre-emptive action to prohibit the public from attending a formal meeting of the Council, Cabinet or its committees. This power is conferred by
 - a. s100A(8) of the Local Government Act 1972 (in respect of meetings of the Council and its committees), and

- b. 55 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (in respect of meetings of the Executive and its committees).
15. In very limited circumstances the Chair, on the receipt of advice from the Monitoring Officer, may refuse entry to a specific individual or group of individuals to a meeting of Council. The circumstances are that:
- a. The Monitoring Officer has received intelligence (for example, from the police) that an individual or group of people plan to take action at the meeting that will disrupt the meeting, and that;
 - b. The Monitoring Officer is satisfied that the nature of the planned disruption would be such as to require the suspension of the meeting or the clearing of the public gallery and that;
 - c. The Monitoring Officer has had regard to individuals' Article 10 rights in giving this advice. 6. In this event the individual or group will be given information on how to watch the meeting by livestream broadcasting to ensure the public continue to have access to the meeting.
16. This will only apply where the Monitoring Officer has been advised by the Metropolitan Police or another community safety partner (including an officer of the Council with responsibility for community safety) of:
- a. A threat or risk of disorder and of serious disruption to the Council's lawful business, such as to make that business impossible to transact, and;
 - b. A credible threat that an individual or group plans, in attending the meeting, to harass others or to put them in fear, in such a way that goes significantly beyond that individual or group's rights to freedom of expression, and/or;
 - c. A credible threat of violence before, during or after the meeting, whether directed at Councillors, officers, or others legally entitled to be present at the meeting.
17. If the above conditions apply to any single meeting the Monitoring Officer will, at the earliest possible opportunity, consult with the Chair, with the Chief Executive and with an appropriate representative of the Metropolitan Police to consider whether security arrangements can be put in place that would mitigate the above risks.
18. If the Monitoring Officer considers that no such arrangements can be put in place the Monitoring Officer may recommend to the Chair that the restriction described in paragraph xxx be put in place.
19. If the Chair agrees, then:
- a. A notice to this effect must be posted in every place where the summons / notice of the meeting have been posted (online and offline). This notice may signpost the public to where the meeting may be observed remotely (see paragraph xx below);
 - b. The venue of the meeting may be moved to a secure location, (ie within an area of Council premises that has access control arrangements in place) or, if that is not possible, security arrangements should be put in place to ensure that those playing

a formal role in the meeting as participants (ie Councillors, officers, and external individuals with a formal role to play in the proceedings) and the press are able to access the venue safely;

20. Arrangements may be made for the press to have access to the meeting.
21. A notice, as set out in paragraph xx, signposting members of the public to the Council's website or another place online where a live webcast may be available, should note that the provision of webcasting is not a legal requirement. Although the Monitoring Officer shall use best endeavours to ensure that a live webcast of the meeting is available, the lack of such a facility shall not render the meeting and its proceedings invalid.

Assistance from officers

22. In the event that a person or persons is excluded from a meeting or meetings, pre-emptively or otherwise, a copy of this policy will be included with the letter or email to the speaker.
23. We understand that speakers may feel strongly about a particular issue and may not be fully familiar with the Council's rules and procedures. We will ensure that Chairs are fully trained on how to handle public participation and will always try to deal with members of the public compassionately.

Section 3: Petition scheme

3.1: Overview of arrangements for petitions

1. Redbridge Council recognises that petitions are a useful way for people to let the Council know about issues or concerns and allow elected Councillors to consider the need for change. The Council wants to make sure that local people have an opportunity to express their views – petitions providing one of those opportunities. This Petition Scheme sets out how those living, working or studying within the borough can submit a petition and what action the Council will take upon receiving it.
2. The Council treats as a petition any communication which is signed by or sent to the Council on behalf of a number of people – subject to the provisions set out in this scheme. If a group of people want to make a verbal presentation to the Council on a matter of local importance then this is called a “deputation” – rules for this can be found at Part 3 Section 4.

Which meetings consider petitions?

3. Members of the public or Councillors will be entitled to present petitions with 1,500 or more signatures to the Mayor at each full Council meeting except the annual meeting or the council tax setting / budget Council meeting.

The process overall

4. The detail of the process for preparing and validating petitions is provided in subsection B below. More detail on how petitions are dealt with when they are presented at formal Council meetings can be found in Part 5.
5. Petition organisers are strongly recommended to prepare their petition using a template provided for this purpose by the Council. If the template is not used there is a risk that the Petition may not meet the requirements set out in this Scheme.
6. The petition must be submitted to the proper constitutional officer at least 10 clear working days before the date of the meeting. A petition can be submitted by any person of any age who lives, works or studies in Redbridge.
7. The submission of the petition must be accompanied by the notification of a person, who must be a person entitled to sign a petition and who may be a Councillor, who will present the petition at the meeting. This person is described in this scheme as the “petition organiser”.

Arrangements for submission of petitions

8. Petitions submitted in response to consultation by the Council, should be addressed to the return address set out in the consultation invitation. This will ensure that it is reported at the same time as the matter to which it relates is considered.
9. The Council has appointed a Petitions Officer, who is responsible for receiving, managing and reporting all other petitions sent to the Council. Petitions whose signatures have been

gathered on paper should be sent to:

The Petitions Officer
London Borough of Redbridge PO Box 2, Ilford, Essex, IG1 1 DD

Or emailed to [\[Petitions@redbridge.gov.uk\]](mailto:Petitions@redbridge.gov.uk)

10. Signatures may also be collected electronically, and detailed rules relating to electronic collection and submission of signatures can be found in subsection C below.
11. The Petitions Officer will liaise with the petition organiser on the publication of the petition, and its submission to a formal meeting for consideration by Councillors in the event the pre-requisite number of signatures as set out above are received.

3.2: The subject matter for petitions

1. Petition organisers should contact the Petitions Officer before they begin collecting signatures for a proposed petition, to ensure that they have measures in place to meet the following requirements:

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| <p>Subject matter restrictions</p> <p>To be valid under this scheme, there are certain restrictions on the scope and subject matter of petitions. This does not mean that any petition falling outside this subject matter cannot be brought – it just means that different rules will apply to it, usually for specific legal reasons outside the Council’s control. Petition organisers who wish to prepare and submit petitions which might wholly or partially fall outside of these requirements should contact the Petitions Officer for further advice.</p> | |
| <p>Subject matter that does not cover a matter on which there is a separate statutory process for petitions</p> | <p>Particular Acts of Parliament require the Council to consider petitions. These include petitions on changes to the Council’s governance system.</p> <p>These petitions need to be prepared and dealt with in a way that is prescribed by statute, and the Petitions Officer will be able to advise on this.</p> |
| <p>Subject matter that clearly relates to the powers, functions and responsibilities of the Council</p> | <p>This must relate to something which is within the powers, functions and responsibilities of the Council. Where a petition relates to a matter which is within the responsibility of another public authority, the petition organiser will be asked whether they would like us to redirect the petition to that other authority. Where a petition does not relate to any of the matters set out</p> |

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| | above, the Council will return the petition to the petition organiser with an explanation for that decision. |
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| <p>Subject matter that does not relate to a personal matter on which there is a separate right of appeal</p> | <p>Where an individual has a right to apply or to appeal under separate rules, a petition will not usually be allowed.</p> <p>Petitions that relate to the conduct of an individual Councillor or officer will be treated as complaints, and will not be dealt with under the petition scheme.</p> |
| <p>A clear statement of concerns and what the petitioners want the authority to do</p> | <p>If the petition is being submitted in response to consultation by the Council on a specific matter, please identify the matter that it relates to, to ensure that your petition is considered along with original matter.</p> |
| <p>The full name and contact details of the "petition organiser"</p> | <p>A postal address must be provided in all cases. An e-mail address may be additionally provided, but must be provided in the absence of an actual signature.</p> |
| <p>The full names of the petitioners (which can include the petition organiser)</p> | <p>Petitioners must live, work or study within the London Borough of Redbridge.</p> <p>Where the petition is in paper form, this should include an actual signature from each petitioner along with their full name.</p> <p>Where the petition is in electronic form, an e-mail address will be required in lieu of a signature.</p> <p>For both paper and electronic petitions, signatories must state their full name and must provide a postal address. (The Monitoring Officer may use this information to verify the validity of signatures, and in doing so may choose to verify whatever number of signatures they consider appropriate.</p> <p>Where a person works or studies in the borough, the address provided should be their place of work or education. Addresses outside of the borough will not be counted.</p> |

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| <p>Petitions not to be vexatious, abusive or otherwise inappropriate</p> | <p>If a submitted petition refers to the subject of ongoing legal proceedings or targets individual members of the community it will be considered to be inappropriate.</p> <p>A petition will generally not be accepted within 6 months of the Council considering a petition on the same subject.</p> <p>The Council will reject any petition that appears to the Petitions Officer to be designed exclusively to promote and effect support for a specific political party.</p> <p>The Council will reject any petition if it is a complaint about a Councillor (past or present) and/or an Officer of the Council.</p> <p>In the six weeks before an election or referendum, the Council may need to deal with petitions differently - if this is the case the Council will explain the reasons for this and discuss the changes which will apply with the petition organiser.</p> |
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2. While not a requirement, it is useful to the Council for the petition organiser to specify at which forthcoming meeting of Council they propose that the petition is considered. Although the Council cannot guarantee that petitions will be considered at a meeting to suit this preference, it will be the responsibility of the Petitions Officer to ensure that the petition is considered by Council in a timely manner, once submitted. Ordinarily, however, petitions submitted within three weeks of the date of the issuing of the summons for a meeting of Council will not be able to be considered at that meeting because of the time needed to validate the petition and to consider possible responses.

Arrangements for petitions on planning or licensing matters

3. People can organise and sign petitions that relate to applications for planning permission (or other development control rights) or applications for a license.
4. Such petitions will be taken as individual statements of support, or objection, to the application in question.
5. Such petitions must be prepared in accordance with the rules in this section but, following submission to the Council, they will stand referred to the Committee or body determining the planning or licensing application – this is regardless of the number of signatures that they have.
6. Where the number of signatures to a petition is 1,500 or more, and where the petition scheme would therefore otherwise require that the petition be presented at Full Council for debate, petitions on planning and licensing matters with this number of signatures will instead – on presentation at Council (handing over of the petition to the Mayor) – stand referred to the Committee or body determining the application. This means that Full

Council will not debate the issue. This is to ensure that – as is proper when the Council considers these matters – the only substantive debate happens at the decision-making Committee itself.

3.3: General rules for collecting signatures online

1. This scheme applies to petitions which gather signatures online in the same way as they apply to paper petitions.
2. If you are a petition organiser you are recommended to use the Council's own facility for preparing petitions online. You may prefer to use an online platform such as change.org to submit your petition but if doing so you are *strongly recommended* to first contact the Petitions Officer to ensure that your petition is valid, in line with subsection B above. If it is not, even if you gather signatures, the Council will not be able to provide a response if your petition does not fall within the rules.
3. Signatures gathered using independent online platforms will still need to be able to be validated by the Council and must contain the same information as required in this section. Before gathering signatures you should check that the platform you choose to use is able to meet this requirement.
4. Where signatures for an online petition have been gathered using an independent online platform and the rules set out in section xxx mean that the petition has received a response from the Council, the Council will upload its response onto the online platform in question.
5. As with paper petitions, the responsibility for publicising online petitions lies with the petition organiser.

Using the Redbridge Council website to gather signatures

6. Petition organisers are recommended to use the Council's own facility for gathering signatures. If doing so the petition organiser must provide:
 - a. their full name, postal address and e-mail address
 - b. a time frame for how long the e-petition should be open for signatures. Most petitions run for 6 months but the organiser can choose a longer or shorter time frame, up to a maximum of 12 months.
7. It is possible to collect signatures online at the same time as a paper petition. The petition organiser should inform the Council that a paper petition is also being undertaken when submitting their petition to be hosted online.
8. Once an online petition has been created by the Council it will be published online within 5 working days. The Council will check that the content is suitable before it is made available for signatures. If the Council considers it cannot publish a petition, the petition organiser will be contacted and the reasons explained. The organiser will then have the opportunity to change and resubmit the petition. If this is not done within 14 days, a summary of the petition and the reason why it has not been accepted will be published on the Council website.

9. Once an e-petition has closed for signature, in the same way as a paper petition, the petition organiser will receive an acknowledgement within 14 days.
10. A petition acknowledgement and response will be e-mailed to all signatories of the e-petition who have requested to receive this information. The acknowledgement and response will also be published on the website.
11. To 'sign' an e-petition, signatories will be asked to provide their full names, full address and e-mail address. When this information is submitted, an email will be generated to the e-mail address provided. This will include a link that must be clicked on in order to confirm that the e-mail address is valid. Once this step is complete, the 'signature' will be added to the petition. People visiting the e-petition will be able to see the names of those who have signed it but not any contact details.

3.4: Step-by-step description of how petitions are managed once submitted

Step 1: Receiving a petition

1. The process starts once the petition has been closed to new signatories, and the Petitions Officer receives the petition from the petition organiser. As set out in subsection B above, the petition organiser should have previously made contact with the Petitions Officer to ensure that the overall requirements of the petition scheme have been met.
2. The process is as follows:

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| Within 5 working days of receipt | Petitions Officer acknowledges receipt to the petition organiser |
| Within 5 working days of receipt | <p>Petitions Officer determines whether the petition is valid within the rules set out in subsection B. In the event that the petition is not valid (because of the way that the petition’s aims and objectives have been drafted, because of concerns about the validity of signatories which may arise following a dip-test, or for another reason associated with the arrangements set out in subsection B) the Petitions Officer may determine that this invalidity means that the petition should not be considered further by the Council.</p> <p>Valid petitions will be notified to the relevant senior officer for a substantive response.</p> <p>If a petition is valid, the Petitions Officer will give notice on the Council’s website of the petition, setting out the subject matter of the petition, the date of receipt and the number of petitioners. The petition organiser’s full name and contact details will only be included on the website if they so request.</p> |

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| <p>Within 10 working days of receipt</p> | <p>Petitions Officer sends the petition organiser a procedural response, setting out to whom the petition will be reported for consideration and providing indicative timescales for that process.</p> <p>Where the petition meets the threshold to be considered by Full Council, the Petitions Officer will advise at which ordinary meeting the petition will be considered, or set out a time-frame for making this decision.</p> <p>In any event, this and the following steps will always be undertaken within a reasonable timescale and communicated to the petition organiser.</p> |
| <p>Within a reasonable timeframe, set out in previous correspondence</p> | <p>The Senior Officer, through the Petitions Officer, will either</p> <p>Provide a substantive response indicating that the Council proposes to take the action requested, in which case no further action will be taken, or</p> <p>Set out how it is proposed that a substantive response will be arrived at, which may include one or more of the following:</p> <ul style="list-style-type: none"> • Holding an inquiry into the matter • Undertaking research • Holding a public meeting • Holding a consultation • Holding a meeting with petitioners • Referring the petition for consideration by a Scrutiny Committee • Writing to the petition organiser setting out our views about the request in the petition. <p>In the event that a petition has more than 1,500 valid signatures and hence qualifies for a debate at Council, these actions will be additional to the scheduling of time at a formal meeting for debate.</p> <p>As set out in subsection B above, in the case of a petition that seeks to support or object to a planning or licensing application, the substantive response shall be that the petition shall be referred to the relevant decision-making Committee, regardless of the number of signatures.</p> <p>A petition for debate will be considered at the next convenient ordinary meeting of Council.</p> |
| <p>Date of formal meeting at which petition is considered</p> | <p>The procedures for “petitions for debate” (Part 5, Section xxx) are followed in the formal meeting.</p> <p>This may involve Council recommending that a decision-maker takes action on an issue.</p> |
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| <p>Within 5 working days of the date at which the body in question considers the petition</p> | <p>The Petitions Officer will notify the petition organiser of the authority's decision in respect of it and advise them that if they is not satisfied with that decision, they may require the matter to be reported to the next convenient meeting of the appropriate Overview and Scrutiny Committee for review.</p> <p>The Council's website will be updated to reflect the outcome of the petition.</p> |
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3.5: Making sure the petition scheme works effectively

1. A report will be submitted to the Overview and Scrutiny Committee annually advising on the action taken in response to each petition received in accordance with the Petition Scheme.
2. All accepted petitions will be considered and the conclusions and any resulting actions will be published on the Council's website. This may include 'no action' for reasons provided.

Appeals to the Overview and Scrutiny Committee

3. If the petition organiser is not satisfied with the outcome of the Council's consideration of their petition, they may appeal to the Overview Committee by notifying the Petitions Officer of their intention to appeal within 20 working days of being notified of the authority's decision on the petition. (This only applies to valid petitions which meet the criteria set out in subsection B).
4. Within 5 working days of receipt of intention to appeal, the Petition Officer will notify the petition organiser of the time, date and place of the next convenient meeting of the Overview and Scrutiny Committee and will invite the petition organiser to attend the meeting and to address the Committee for up to 5 minutes on why they consider that the authority's decision on the petition is inadequate.
5. At the meeting, the Committee will invite the petition organiser to make their representations and to explain why they consider that the authority's response was insufficient. Should the Committee decide that the Council has not dealt with the petition adequately, it may:
 - Set up a working group to review the handling of the petition.
 - Make recommendations to the Cabinet.
 - Arrange for the matter to be considered at a meeting of full Council.
 - Ask a Scrutiny Committee to be involved in the review.

Section 4: Deputations

4.4: What are deputations, and who is entitled to present them?

1. Deputations provide an opportunity for at least three, and up to seven, residents or business ratepayers of the Borough or their employees to address a meeting of Council on a matter which relates to a substantive item on the agenda of the meeting in question. Those individuals forming the deputation will need to demonstrate to the satisfaction of the Monitoring Officer that they are residents or (employees of) business ratepayers.
2. The right to make a deputation is provided in order to allow residents to make Council aware of an issue, and to inform the decision that Council is about to make. Unlike petitions, a deputation is not “responded” to by the Council – instead, the Council will, when debating and taking a decision, have regard to any relevant matters that a deputation raises.
3. Deputations shall be received at any ordinary meeting of the Council. In order to be considered they must be notified to the Monitoring Officer at least three clear days in advance of the relevant meeting of Council (see subsection B). Only deputations relating to the Council’s budget may be presented at a Budget Council meeting. Procedural arrangements for deputations are set out in the Council’s Procedure Rules at Part 5.

Scope of deputations

4. The Mayor having, taken advice from the Monitoring Officer, may reject a request for deputation if it:
 - a) is a request from an individual who has alternative means of expressing their views through recognised channels, e.g. employees of the authority or trade unions representing staff employed by the authority
 - b) is not about a matter related to an item on the agenda of the Council meeting in question;
 - c) is defamatory, frivolous or offensive
 - d) is substantially the same as a deputation, question or petition which has been presented at a meeting of the Council in the past six months
 - e) concerns a planning or licensing application
 - f) raises a grievance for which there are other established processes for resolution
 - g) relates to an investigation by (whether completed or not), or ruling of, the Governance & Assurance Committee and Standards (Hearings) Sub- Committee insofar as the question relates to the behaviour or conduct of an individual Councillor or Councillors or former Councillor(s)

4.5: Form of deputations and deadline

1. A deputation must give written notice to the Monitoring Officer by 12 noon at least three working days in advance of the meeting in question. This notice must state:
 - the substantive agenda item to which the deputation relates;
 - the name, address and contact details (phone number) of the deputation’s spokesperson;
 - any associated written representations.
2. Written representations may not be submitted at any other time, and may not be tabled at

the meeting itself.

3. Notice of the deputation shall be given to the Mayor.
4. On receiving notice of any deputation, the Mayor, on advice of the Monitoring Officer, shall take one of the following actions, which will be notified to the people proposing to make the deputation:
 - a) refer it to the next ordinary or budget meeting of Council; or
 - b) refer it to Cabinet or the appropriate Committee to be dealt with under Procedure Rule xx, provided that the subject matter falls within the terms of reference of the body to which it is referred; or
 - c) exceptionally, recommend and offer a roundtable meeting, instead of a deputation to Council, to the group at which senior officers; ward Councillors and any other relevant Councillors will be in attendance to listen to matters raised by the group on any significant issues.

Section 5: The Public's Rights to Attend Meetings and Access Information About Meetings

5.1: Scope

1. Except where stated, these rules apply to all meetings of the Full Council, its Committees or Sub-Committees and meetings of the Cabinet, its Committees or Sub-Committees (together called meetings).
2. For the purposes of these rules a meeting is in private if it is either an entirely private meeting where all the business would be either confidential or exempt, or it is a public meeting which at any stage goes into private session.

Additional rights to information

3. These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law (including the rights held by Councillors and the rights held by individuals to access their own personal information).

Rights to attend meetings

4. Members of the public (including the press) may attend all meetings subject only to the exceptions in these rules.
5. The use of equipment for broadcasting or recording proceedings will be in accordance with paragraph xx.

5.2: Access to meetings and to information about meetings

1. This section should be read in conjunction with Part 2, Section 2, in particular subsections B (disruptive behaviour) and C (recording and broadcasting).

Notice of meetings

2. For meetings to be held in public the Monitoring Officer will give at least five clear working days' notice by posting details of the meeting at the Town Hall, Ilford, which is the designated office (and in exceptional circumstances any other conspicuous location within the borough). Notice will also be published on the Council's website. Where a meeting is convened at shorter notice, these notices will be given at the time that the meeting is convened.

Access to Agenda and Reports before the meeting

3. The Monitoring Officer will make copies of the agenda and accompanying reports available for inspection by the public at the office of the local authority (Town Hall, Ilford) at least five clear working days before the meeting. These will also be published on the Council's website.
4. Where a report is not included with the Agenda, the Monitoring Officer shall make each

such report available to the public for inspection as soon as the report is completed and sent to Members.

4. Nothing in these rules requires the disclosure of any report containing confidential or exempt information as defined in the glossary to the Constitution.

Supply of copies of meeting papers

5. Meeting papers will be made available on the Council's website five clear working days in advance of any meetings (unless papers relate to an item tabled late, subject to the rules permitting this).
6. A hard copy of the agenda and public reports for the meeting will be made available for inspection at the Town Hall or Lynton House.
7. The Monitoring Officer shall, following any request by a member of the public or on behalf of a media outlet, also supply any agenda and reports, including background papers, which are open to public inspection on payment of a charge for postage, copying and/or any other reasonable transmission costs.
8. Any agendas and reports to be supplied further to paragraph xxx above shall be made available in electronic form via the Council's website as soon as practicably possible.

Access to Minutes etc. after the meeting

9. The Monitoring Officer will make available copies of the following for public inspection for six years after the date of the meeting:
 10. The minutes of the meeting or records of decisions taken, together with reasons, for all meetings excluding any part of the minutes or record when the meeting was in private because confidential or exempt information was disclosed or discussed.
 11. A summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record.
 12. The agenda for the meeting and reports relating to items considered when the meeting was open to the public.

Background Papers

13. The report writer shall ensure that every report includes a list of those documents (called background papers) relating to the subject matter of the report which in their opinion;
 - a. disclose any facts or matters on which the report or an important part of the report is based; and
 - b. which have been relied on to a material extent in preparing the report, except published works or those which would disclose confidential or exempt information as defined in the glossary to the Constitution.

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

Exclusion of access by the public to meetings

15. The public, including the press, must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that **confidential** information would be disclosed.
16. The public may be excluded by a resolution passed at the meeting in question from any meeting whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that **exempt** information would otherwise be disclosed to the public. A resolution must identify the proceedings or part of the proceedings to which it applies and state, by reference to the descriptions in Schedule 12A of the Local Government Act 1972, the description of exempt information giving rise to the exclusion.
17. A full definition of “confidential” and “exempt” information can be found in Table 1.

Exclusion of access by the public to reports

18. If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during the consideration of which, in accordance with Procedure Rules and the rules set out in Table 1, the meeting is likely to be in private.
19. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed.

5.3: Special rules applying to the Executive and the making of Key Decisions

1. These rules only apply to the making of Executive Key Decisions and the meetings at which those decisions are made: further arrangements for Key Decisions can be found in Part 4, Section xx. It does not apply to the making of individual Cabinet member decision-making, where the Leader’s scheme of member delegation has permitted that form of decision-making.
2. Further details for key decisions (including definitions for these decisions, and other classes of executive decision) can be found in Part 4, and this subsection should be read in conjunction with that Part of the Constitution.
3. Any meeting at which an Executive Key Decision is to be taken must meet in public, subject to the rules on confidential or exempt information.
4. Where it is intended that any meeting at which a Key Decision will be made will be held in private the following rules apply:
 - a. Unless it is impracticable to do so, at least 28 clear days before the meeting the Monitoring Officer must:
 - i. make available at the Town Hall a notice of the intention to hold the meeting in private, including a statement of the reasons for the relevant

- part of the meeting being held in private; and
 - ii. publish that notice on the Council's website.
- b. At least five clear working days before the meeting, the Monitoring Officer must then make available a further notice at the Town Hall of its intention to hold the meeting in private, including the reasons for doing so.
 - c. This notice must also include details of any representations received about why the meeting should be held in public, and a statement of the response to any such representations. This notice must also be published on the Council's website.
5. Where the date by which a meeting must be held makes compliance with the 28 clear day notice period impracticable, the meeting may only be held in private with the agreement of the Chair of Overview and Scrutiny Committee, or, if there is no such person or if the Chair of the said Scrutiny Committee is unable to act, the Mayor, or if there is no Mayor the Deputy Mayor, that the meeting is urgent and cannot reasonably be deferred.
6. As soon as reasonably practicable after this agreement has been obtained the Monitoring Officer must make available a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred, and publish that notice on the Council's website.

Part 4: Decision-making: responsibility for functions and delegated powers

Contents

Section 1 - General

- 1.1: Decision-making functions overall
- 1.2: Decision-making principles and members' obligations with regard to officer advice
- 1.3: Types of decision
- 1.4: The role of statutory officers in decision-making

Section 2 – Matters reserved to full Council

Section 3 - Cabinet Functions

- 3.1: Executive arrangements
- 3.2: Cabinet: general description of responsibilities
- 3.3: Cabinet: executive portfolios
- 3.4: Budget consultation process
- 3.5: Approved changes to the Budget and Policy Framework
- 3.6: Executive decision-making rules: general
- 3.7: Executive decision-making rules: arrangements for individual Cabinet member decision-making
- 3.8: Executive decision-making rules: arrangements for decision-making by individual officers
- 3.9: Procedure before taking key decisions
- 3.10: Recording of executive decisions
- 3.11: Inspection and supply of documents following executive decisions
- 3.12: Reports to Council

Section 4 – Responsibility for Local Choice Functions

Section 5 – Joint arrangements

- 5.1: Description of joint arrangements
- 5.2: Access to information
- 5.3: Delegation to and from other local authorities
- 5.4: Contracting out

Section 6 – Delegation to officers

- 6.1: Responsibility for scheme of delegation and publication
- 6.2: Interpretation and overview
- 6.3: Financial limits for executive decisions
- 6.4: Principles underpinning officer decision-making
- 6.5: Informal bodies and working groups
- 6.6: The role of statutory officers and proper officers
- 6.7: Sub-delegation

- 6.8: Recording and reporting of delegated decisions
- 6.9: Arrangements for member and officer assurance and oversight
- 6.10: Legal scope of delegations
- 6.11: Schedule to the scheme of delegation (setting out responsibilities conferred on officers in detail)

Section 1: General

1.1: Decision-making functions overall

1. A number of different parts of the Council are responsible for making decisions. Who holds the power to do what is in some cases a matter of law. In other cases, the Council has some discretion to decide who should hold power and how it should be exercised.
2. Certain decisions – like “Key Decisions” – require that a specific process be followed in order for them to be valid. Arrangements for “Key Decisions” are set out at subsection xx paragraph xx, with arrangements relating to the publication of Key Decisions being set out in Part 3, Section 5, Subsection D.
3. In some, but not all, cases decision-making power can be delegated – to a Committee or to an individual Cabinet Member or officer. Arrangements for delegation are set out in the scheme of delegation at Section 5.
4. The table below provides a general summary of these arrangements.

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| Full Council | <p>The Council is responsible for the exercise of all functions that are not the responsibility of the Executive. The Council may delegate the exercise of non-Executive functions to any other Committee, person or body subject to any statutory constraints.</p> <p>Only the Council may exercise those functions described in section 2 of this Part (<i>Matters Reserved to Full Council</i>).</p> <p>The Council has delegated all necessary powers to the Chief Executive and other Chief Officers (and all and any other officers authorised or nominated by the Chief Executive or Chief officers for those purposes) to lead and manage and make decisions on the non-Executive functions for which they are allocated responsibility except where those functions are already reserved to the Council or a Committee.</p> <p>The Council may delegate functions to other persons or bodies where permitted by law to do so.</p> |
| Cabinet | <p>In accordance with section 9E of the Local Government Act 2000, the Leader is responsible for the exercise of all Executive functions and any local choice functions which the Council decides are Executive functions. The Leader may make arrangements for the discharge of those functions by any of the following:</p> <ul style="list-style-type: none"> (i) the Cabinet; (ii) individual Cabinet Members; (iii) a committee of the Cabinet; (iv) an officer; |

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| | <p>(v) another local authority; or</p> <p>(vi) a joint committee with another local authority.</p> <p>The Council's "Executive Arrangements", which account for the way in which Executive decisions are made are set out in Section 3, and introduced briefly at subsection C below. They include arrangements for the onward delegation of certain decision-making powers, details of which can be found at section xxx.</p> |
| Other committees | <p>The Council has created a number of ordinary committees, joint committees and overview and scrutiny committees and has hereby delegated some of its functions to those bodies (explained in more detail in subsection C below). The functions which have been so delegated are set out in Section 5.</p> |

1.2: Decision-making principles and Councillor's obligations with regard to officer advice

Decision-making principles

1. These rules shall apply to all decision-making.
2. Councils are obliged to exercise their functions in a way that has regard to a set of "decision-making principles" that can be found in Government guidance. These are:
3. Proportionality (ie, the action must be proportionate to the desired outcome);
4. Due consultation and the taking of professional advice from officers (in particular, the principal statutory officers);
5. Respect for human rights and for the objective of securing equality;
6. A presumption in favour of openness, accountability and transparency;
7. Clarity of aims and desired outcomes.
8. In adhering to the above principles, the Council will set out the reasons for its decisions, and other options considered.
9. Additional principles (set out in Part xxx) apply to the making of decisions under delegated powers by officers], and the way that those decisions are developed.

Decision-makers' discretion and grounds for challenge

10. Decision-makers benefit from discretion in how they make decisions. In exercising discretion, the decision-maker must:
 - a. In respect of legality:

- i. Understand the legal source of the power they are exercising, and its limits, and act within those limits;
 - ii. Decide within the financial envelope provided for by Budget Council, and the wider Policy Framework;
- b. In respect of procedural propriety / fairness:
 - i. In respect of the process adopted to make decisions, act in accordance with the law and the processes set out in this Constitution, and elsewhere, which govern decision-making;
 - ii. Act in a way that reflects the requirements of natural justice – particularly in respect of quasi-judicial proceedings, where decisions may not be made on the basis of predetermined views (although there are [rules that apply to conflicts of interest that explain this in more detail]);
- c. In respect of rationality and proportionality:
 - i. Take into account all relevant considerations, and discard any considerations that may be irrelevant (and be able to distinguish between these two categories);
 - ii. Ensure that decisions are not made that lack any logical justification, given the policy or factual context within which it is set.

Planning and licensing decision-making

- 11. In respect only of planning and licensing decision-making, the following additional rules will apply.
- 12. If, in respect of planning and licensing decision-making, a Member or Members of a Committee or Panel propose to make a different decision, against officer advice, they (and the committee or other body to make that decision) must set out their reasons for that decision, in a way that reflects all relevant considerations and that reflects their, and the Council's, legal obligations. This statement of reasons should be provided further to advice from officers on the legal requirements of decision-making.
- 13. Advice shall be provided by the Monitoring Officer or a suitably qualified constitutional officer, and in any event should not be provided by the author of the report in question.
- 14. Nothing in this section should be taken as fettering the discretion of Councillors to make alternative proposals or make alternative decisions to those proposed by officers so long as those decisions are lawful.

1.3: Types of decision (including executive and key decisions)

- 1. Decisions may be Executive decisions or non-Executive decisions.

Executive decisions, including "Key Decisions"

- 2. Executive decisions may only be made by Cabinet or by individual Cabinet members, or officers, in accordance with a scheme of delegation set out by the Leader. The scope of Executive decision-making is specified by law and is set out, in respect of Cabinet's functions, in Section 3 Subsection xx.
- 3. A class of Executive decision is the **Key Decision**.

4. An Executive decision is a **Key Decision** if the answer to any of the following questions is “yes”.

Question 1: Is the decision likely to result in expenditure or savings, which are significant having regard to the budget for the service or function to which the decision relates?

Question 2: Is the decision likely to be significant in terms of its effects on communities living or working in an area comprising two or more wards?

Question 3: Does the decision seek to amend any part of the Council’s Budget and Policy Framework?

5. Guidance on Question 1 (financial limits)

As a guide, expenditure or savings are likely to be significant if they:

- a. Involve the expenditure of making of savings of an amount in excess of £500,000 for revenue expenditure, or
- b. Involve the expenditure of making savings of an amount in excess of £1 million for capital expenditure.

6. Key decisions:

- In respect of Councillor decision-making, may only be made by Cabinet members individually, or collectively by a meeting of Cabinet or by a Cabinet committee
- In respect of officer decision-making, may only be made by officers further to the scheme of delegation;
- Must be placed on a schedule of Key Decisions at least 28 days before they are proposed to be made
- Shall be subject to call-in by the Overview and Scrutiny Committee.

7. Non-key Executive decisions may be made under delegated powers by officers, and shall not be subject to call-in. The procedure for Key Decisions, including call-in arrangements, is set out in section 3 subsection F below.

Non-Executive decisions

8. Non-Executive decisions are those decisions which may, (depending on the Council’s local choice, where permitted in law), or must, be made by Full Council, or which may be delegated by Full Council to another committee of Council.
9. These may include quasi-judicial and regulatory functions, including those relating to planning and licensing decision-making, certain functions relating to senior officer employment matters, and the undertaking of activity relating to internal and external audit. Terms of reference for the Committees established to carry out these tasks can be found in Part xx, Section xx.

10. Committees exercising non-Executive functions also include Overview and Scrutiny Committees and Policy Development Committees, terms of reference for which can be found in Part xx, Section xx.
11. Functions cannot be delegated by Full Council to Cabinet.

1.4: The role of statutory officers in decision-making

1. Decision-making must be carried out subject to the advice and, where relevant, instructions of the principal statutory officers – the Chief Executive, the s151 Officer, and the Monitoring Officer.
2. Arrangements for the role of these principal statutory officers in the process of Executive decision-making can be found in:
 - a. The Statutory Officer Protocol in Part xx of the Constitution
 - b. The Monitoring Officer Protocol in Part xx of the Constitution
 - c. Guidance produced by the Monitoring Officer
3. The s151 officer and Monitoring Officer hold particular duties to assure good practice with regard to the authority's legal, and financial, governance, which are set out in more detail in this Scheme.
4. Only the Monitoring Officer may instruct solicitors, lawyers or barristers to act on behalf of or advise the Council and/or to appear in courts and tribunals.
5. Only the Monitoring Officer may give instruction and/or delegation to officers to issue, settle or defend legal proceedings in any court or tribunal.
6. These powers may be exercised by any other officer nominated for that purpose by the Monitoring Officer.

The role of statutory officers with regard to urgency

7. In any case where, for reasons of urgency, a decision has to be taken forthwith and cannot be delayed for any reason, the Chief Executive may make the decision, whether it be an Executive or a non-Executive decision, but shall be required to report any decision taken under this urgency provision to the next meeting of the Cabinet.
8. The Chief Executive may incur expenditure and make grants and loans in cases where an emergency or disaster involving destruction or danger to life or property occurs or is imminent, and to incur expenditure for the purposes of contingency planning to deal with possible emergencies or disasters, whether pursuant to section 138 of the Local Government Act 1972 or otherwise.
9. In all other respect the general exception to rules on Executive decision-making, and the associated rules for special urgency, shall apply as set out in part xxx.

Section 2: Matters reserved to Full Council

The following matters must, by law, be decided by Full Council:

- (i) Election of the Mayor or another Councillor to preside over Council meetings in the absence of the Mayor (see xxx).
- (ii) Adopting and changing the Constitution (save to the extent that the Constitution sets out matters which are decided upon by the Executive – such as the delegation of Executive functions, and where minor alterations may be made by the Monitoring Officer).
- (iii) Approving or adopting the Budget and Policy Framework as defined in the Constitution (see xxx).
- (iv) Subject to the urgency and call-in procedures contained in the decision-making rules at Section xx of this Constitution, authorising the making of Executive decisions which are contrary to the Policy Framework or Executive decisions which are contrary to, or not wholly in accordance with, the budget.
- (v) Appointing and removing the Leader.
- (vi) Agreeing and/or amending the terms of reference for non-executive committees, Sub-Committees or Joint Committees, deciding on their composition and making appointments to the Committees and Joint committees, subject to consultation with political groups as set out in xxx.
- (vii) Appointing any independent members, co-opted members, advisers or observers to Committees and to appoint the 'Independent Persons' who are appointed to advise on conduct or disciplinary issues relating to Councillors or the Head of Paid Service, Section 151 Officer or Monitoring Officer.
- (viii) Making, amending or revoking Procedure Rules to the extent permitted in law.
- (ix) Confirming the appointment of the Head of Paid Service, the Monitoring Officer and the Section 151 Officer.
- (x) Any decision to dismiss the Head of the Paid Service, Monitoring Officer and Section 151 Officer in accordance with the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended).
- (xi) Making, amending, revoking, re-enacting or adopting bylaws.
- (xii) Appointing freemen or aldermen of the borough.
- (xiii) Promoting or opposing the making of local legislation or personal Bills.
- (xiv) Designating proper officers for the purposes of any particular functions where so required by law.
- (xv) Exercising those local choice functions set out in Part 4, Section 4 of this Constitution which are stated to be functions of the Council.

- (xvi) Determining whether or not to accept the delegation of any non-Executive functions from another local authority.
- (xvii) All other matters which, by law or this Constitution, must be reserved to the Council.

Section 3: Cabinet functions

3.1: Executive arrangements, including scheme of Executive member delegation

- 1 This Part of the Constitution sets out the arrangements made by the Executive for the discharge of Executive functions.
- 2 The Executive shall be responsible for the exercise of all Executive functions which are not the responsibility of the Full Council or any other part of the Council whether by law or under this Constitution together with those local choice functions which are the responsibility of the Executive. The Leader may exercise all these personally or make arrangements for their discharge by any of the following;
 - (i) the Cabinet;
 - (ii) individual Cabinet Members;
 - (iii) a committee of the Cabinet;
 - (iv) an officer;
 - (v) another local authority; or
 - (vi) a joint committee with another local authority.
- 6 This section of the Constitution sets out the arrangements which the Leader has made for the discharge of Executive functions by the Cabinet or by individual Cabinet members, and constitutes the Leader's scheme of Executive member delegation. Section 6 ('Scheme of Delegation') sets out the powers delegated to individuals (including delegation to officers).
- 7 The Leader has delegated all necessary powers to the Cabinet (and any person nominated or agreed by the Cabinet) to undertake any Executive function.
- 8 The Leader has delegated all necessary powers to individual members of the Cabinet to undertake any Executive functions listed in their portfolios. Those portfolios are described in subsection C.
- 9 The Leader has also made arrangements, through the development of the scheme of officer delegation, for officers to carry out Executive functions under delegated powers – including making key decisions.
- 10 The Cabinet portfolios shall be notified by the Leader to the Monitoring Officer who shall then arrange for the Cabinet portfolios to be notified to all Councillors. The current portfolios are listed in subsection C although are subject to change at any time. The powers delegated to Cabinet Members are set out in Section 6 ("*Scheme of Delegation*"). Powers delegated to committees of Cabinet can be found in section xxx.
- 11 All decisions will conform to the Budget and Policy Framework agreed by Council.
- 12 All decisions will be taken on the basis of advice from the Monitoring Officer and s151 officer, in accordance with the "decision-making principles" in the Constitution and in line with the obligation on the Council to deliver Best Value under the Local Government Act 1999.

Onward delegation of decision-making powers

- 13 Unless the Leader directs otherwise, the Cabinet may arrange for the discharge of any functions which have been allocated to it to be discharged by:
 - (i) a committee of the Cabinet;
 - (ii) an officer;
 - (iii) another local authority; or
 - (iv) a joint committee with another local authority.

- 14 Unless the Leader directs otherwise, an individual Cabinet Member may arrange for the discharge of any functions which have been allocated to them by:
 - (i) another Cabinet member or another committee of Cabinet;
 - (ii) another local authority; or
 - (iii) a joint committee with another local authority.

- 15 Unless the Leader directs otherwise, a committee of the Cabinet may arrange for the discharge of any functions which have been allocated to it by:
 - (i) Another Cabinet member or another committee of Cabinet;
 - (ii) another local authority; or
 - (iii) a joint committee with another local authority.

- 16 The Leader has delegated all necessary powers to the Chief Executive and to other Chief Officers (and all and any other officers or third parties authorised or nominated by the Chief Executive or Chief officers for those purposes) to lead and manage and make decisions on the Executive functions for which they are allocated responsibility except where those functions are already reserved to Full Council or to a Cabinet member, a Committee or the Cabinet. Arrangements for delegated decision-making by officers (and current areas of responsibility exercised by officers) can be found in Section xx.

- 17 The Leader may delegate functions to other persons or bodies where permitted by law to do so.

- 18 The making of any arrangements for the discharge of any functions does not prevent the person or body who made those arrangements from exercising the functions to which they relate.

- 19 The Leader has, for the time being, and subject to change at any time, determined that no decision may be taken by a Cabinet Member or an officer on any matter which:
 - (i) will result in a recommendation or proposal being made to Full Council;
 - (ii) the Leader has decided should be referred to Full Council;
 - (iii) the Leader has decided should be referred to the Cabinet;
 - (iv) approves a major new policy or strategy (as determined by the Leader of the Council);
 - (v) will lead to the closure of a public facility such as a school, library, leisure centre

- or residential home;
- (vi) directly and immediately affects all residents or all businesses in the borough.

3.2: Cabinet: general description of responsibilities

1. The Cabinet is responsible for:
 - a. The development of a Medium Term Financial Strategy, and the recommendation to the Council of a balanced budget
 - b. Implementing the agreed Budget and Policy Framework and for developing proposals in accordance with the Budget and Policy Framework rules in Part xx Section xx of this Constitution.
 - c. Setting the vision and strategic direction of the authority (subject to the need to recommend to Council the adoption of major policies) and making decisions that reflect that vision, as set out in the Corporate Plan.
 - d. Having regard, in decision-making, to requirements of Social Inclusion and Equal Opportunities in the delivery of services.

2. In relation to specific service responsibilities:
 - a. The Cabinet has responsibility for policy proposals and operational matters in respect of schools, special services, grants and awards and adult education.
 - b. The Cabinet has responsibility for social services functions of the Council in respect of care in the community, children, those with learning and physical difficulties, those with mental health difficulties and elderly people.
 - c. The Cabinet has responsibility for ensuring the effective management of recreational, leisure and library facilities provided by the Council.
 - d. The Cabinet has responsibility for maintaining a strategic overview of housing provision in the Borough, including housing not within the ownership of the Council. Included within its remit are housing policy development, provision of housing and the assessment of housing need.
 - e. The Cabinet has responsibility for considering and determining service policy in respect of those matters within the responsibility of the Council that affect the physical surroundings in which the local community lives such as planning, waste management, environmental health and consumer protection, transportation and highways. The Cabinet will develop strategies for protecting and improving the environment of the Borough.
 - f. Additionally, the Cabinet has direct responsibility for the promotion of economic opportunities and development within the Borough. It will promote the Borough's economic interest in the wider context on a London-wide basis and particularly the East London region.

3. In relation to all service provision, the Cabinet will ensure that a quality service is provided through its monitoring role, whether the Service is provided directly by the authority or by external agencies or contractors.

3.3: Cabinet: individual portfolios

- 1 Each Cabinet Member is allocated a portfolio of services and issues by the Leader. These are set out below but may be changed by the Leader from time to time. The Portfolio Holder is responsible for reporting to Cabinet with regard to all matters contained within that portfolio, including any related matters that may arise.
- 2 The Leader is responsible for making appointments to outside bodies. Where the Leader wishes to appoint themselves to an outside body within the remit of their Portfolio, then the appointment must be made by the Deputy Leader.
- 3 Officers are responsible for consulting with Portfolio Holders when they propose to make certain Executive decisions, following rules set out in the scheme of officer delegation.
- 4 Rules for individual Cabinet member decision-making can be found at section xxx.

| Portfolio | Role |
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| <p>Leader, Growth & Regeneration</p> | <p>The Leader is the ambassador for Redbridge within the Borough and enhances the profile of Redbridge in London and beyond, to be able to seek inward investment, facilitate economic growth and influence specific policy decisions. The Leader will prioritise issues that support the longer-term ambitions of the borough. They are the advocate of all residents, and their primary responsibility is to maintain and improve the lives of people who live and work in the borough.</p> <ul style="list-style-type: none"> • To set the political and strategic direction of the Council • To be Leader and principal spokesperson of the Council and to be Chair of the Cabinet • To work with Cabinet Members to promote and develop key priorities across their portfolios • To have overall responsibility for Civic Leadership, all Civic events, the Mayoralty and overall responsibility for the provision of Member support and development • To advise the Council on changes to the Constitution and delegation of Cabinet functions • To have overall responsibility for the Council's Strategic Planning and Performance Framework including overseeing the development of the Council's Corporate Plan • To support the development and implementation of the Council's modernisation programme • To make appointments to all external bodies and oversee and develop the Council's relationship with external organisations including bodies on which it is directly represented • To lead and oversee the Council's response to external performance assessments • To have overall responsibility for the Council's Legal Services • With the Cabinet Member for Children and Young People, to consider the annual assessment of the Council's arrangements to safeguard children and promote their wellbeing • To develop partnerships sub-regionally, regionally and with Central Government agencies • To be responsible for Council's commercial and major contracts • To have oversight of all the council owned companies and their governance • To oversee the development of a Regeneration Strategy for the borough • To set the overall direction in relation to the Council's property portfolio • To have overall responsibility for the Council's asset management and |

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| | <p>the control of the Council's land and property</p> <ul style="list-style-type: none"> To have overall responsibility for the Council's Communications Strategy |
| <p>Deputy Leader & Cabinet Member for Finance</p> | <p>The portfolio is about enabling the organisation to manage within its available resources and set out a longer-term view of the organisation's finances and the strategies required to ensure it is successful. This means shaping the organisation so that is more cost effective in the medium term.</p> <p>To deputise for the Leader as and when required and to discharge the Leader's functions in the absence of the Leader</p> <ul style="list-style-type: none"> To develop the strategic response to eradicating poverty and in particular the response to the cost of living crisis. To have overall responsibility for the shape, content and control of the Council's revenue budget and capital programme and advise the Council on: <ul style="list-style-type: none"> The Budget and level of Council Tax to be levied The Medium-Term Financial Strategy The Council's Anti-poverty Strategy To be responsible for an effective Treasury Management Strategy To develop a strategy to exploit all possible external funding sources and have oversight of distributions including CIL To be responsible for the Council's relationship with external auditors To have overall responsibility for discretionary Council Tax discounts and business rate reliefs To have overall responsibility of the Finance Service including debt collection, Council Tax (except Council Tax setting), Business Rate, Benefit administration, the provision of welfare benefit support and assessment of Adult Social Care charges To be responsible for monitoring budgets and any capital schemes for services within the portfolio. |
| <p>Children, Young People & Education</p> | <p>The portfolio will champion the needs of all young people and the Cabinet member will work with colleagues to address the causes and consequences of child poverty. The Cabinet Member will also be responsible for work undertaken to manage school places and ensure equitable provision across the borough. They will be responsive to national education reforms and consider the consequences for educational provision and the work of the Council. The Cabinet Member will champion the Unicef Child Friendly initiative ensuring that young people are at the forefront of the organisation's mind in decision-making.</p> <ul style="list-style-type: none"> To discharge the role of Lead Member for Children's Services under section 19 of the Children Act 2004 in respect of the relevant statutory functions of the Council. To be responsible for providing support to families with children including Supporting Families To be responsible for the Council's child safeguarding arrangement |

- To develop the all age Domestic Violence service and services for perpetrators
- To be responsible for children in care and care leavers and fostering and adoption
- To lead on duties with regard to Child Exploitation
- To be responsible for the Local Authority's roles in respect of the provision of high quality nursery, primary, secondary education, special school and childcare places
- To be responsible for policy relating to awards, admission to schools, and the provision of financial assistance to pupils
- To be responsible for the development of strategy and policy to raise the educational achievement and attainment of children and young people in the Borough
- To oversee the development and implementation of policies and strategies to preventing offending and re-offending by young people
- To be responsible for the Local Authority's roles in respect of Fair Funding for schools
- To be responsible for the provision and management of Youth Services within the borough
- To have an overarching brief with regards to early intervention and prevention
- To develop and implement a Child Poverty Strategy
- To recommend approval of the Children's Services capital programme for schools, Children's Centres, Youth Centres and Children's Resource Centre Buildings
- To be responsible for monitoring budgets and the commissioning of any capital schemes for services within the portfolio

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| <p>Adult Social Care and Health</p> | <p>The portfolio will lead the Council's adult social care responsibilities, principally defined through the Care Act 2014. The portfolio will lead on the development of integrated health and care arrangements and the Council's support and challenge to effective health planning and delivery within the Borough. It will lead on the Council's Public Health responsibilities including promoting the principles of early intervention and prevention in improving physical and mental health outcomes for residents. The portfolio holder will seek to ensure that public health features in all the Council's policies</p> <ul style="list-style-type: none"> • To be responsible for the discharge of the Council's functions under the Care Act 2014 • To be responsible for the discharge of the Council's health functions under the Health and Social Care Act 2012 • To be the lead Cabinet Member responsible for the development of social care related plans and strategies for adults including Older People, Learning Disability, Physical Disability and Mental Health services. • To have overall responsibility for adult social care in Redbridge and to be responsible for monitoring the performance of all aspects of local authority social care services for adults including direct provision by the Council and contracting with the voluntary sector and external providers of service • To oversee standards in the Council's own adult registered Care Services • To oversee and monitor the performance of agreements with partner NHS bodies or other local authorities under section 75 of the National Health Service Act 2006 and other relevant enactments • To be the lead Cabinet member responsible for the development of public health related plans and strategies, including health protection. • To support the effective implementation of health policies including the improvements to Whipps Cross and advocating for improvements to Primary Care provision • To have overall responsibility for relations with the National Health Service in Redbridge and more general health improvement in Redbridge • To be responsible for monitoring budgets and any capital schemes for services within the portfolio |
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| <p>Environment & Sustainability</p> | <p>The Council has a wide range of commitments to tackle climate change and its own carbon footprint. This portfolio will ensure these are delivered and monitored for their impact. The portfolio holder will consider how we address the longer-term sustainability of the borough including looking at housing and retrofitting as well as sustainable transport planning.</p> <ul style="list-style-type: none"> • To be responsible for the overall co-ordination of policies to protect and enhance the environment and sustainability of Redbridge as contained in the Council’s Environmental Action Plan. This includes the Council’s own activities • To be responsible for policies relating to climate change and tackling the climate crisis • To support housing retrofitting activities, accessing relevant funding and ensuring future housing policies and planning policies recognise our commitments to the environment • To be responsible for the functions of the Council as the Highway authority, including transportation planning, traffic management, road safety and all matters related to trunk roads, highways and other roads, including the development of new schemes • To oversee the development and implementation of a Borough- wide Sustainable transport strategy and EV strategy • To be responsible for on-street and off-street parking policy and parking enforcement services • To develop effective links with statutory, regional and sub-regional agencies to create an efficient and effective public transport and road network systems • To oversee the regular maintenance and improvement of the Borough’s roads and streets • To have overall responsibility for Cemeteries and Crematoria • To support the planting and maintenance of our trees with an additional 20,000 trees by 2026 and growing our wild spaces, allotments and pocket parks • To support flood improvement measures • To enhance the access to the River Roding • To be responsible for minimising waste and maximising recycling and ensuring effective waste collection and disposal • To develop links between relevant authorities at all levels to drive and implement effective air quality policies • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To have overall responsibility for street cleansing, litter, the removal of fly-tipping, abandoned vehicles and graffiti • To develop and have oversight of the Council’s communication and outreach plan to help work with residents (students and adults) to |
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| | <p>reduce illegal dumping and create a cleaner borough</p> |
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| <p>Planning and Economic Growth</p> | <p>The portfolio will support the borough's ability to implement important regeneration schemes as well as act as the safeguard for good planning management. The borough needs to develop and enhance the workforce across Redbridge to access new sectors, build a strong local economy and give everyone an equitable opportunity to access employment.</p> <ul style="list-style-type: none"> • To oversee the Borough's land use planning and development processes including planning policy • To ensure the implementation of the Local Development Framework • To have overarching responsibility and to encourage the development of employment, skills and training for the Borough • To develop a planning strategy for implementation in respect of conservation areas, residential precincts, listed buildings, tree matters and sites of special scientific interest • To support the Business Improvement Districts and ensure delivery of business support and development services • To have overall responsibility for policy on Fairlop Land and mineral extraction • To be responsible for all planning enforcement activities • To be responsible for providing an effective Building Control service • To co-ordinate the Council's response on London/Regional/National planning policies and promote the Borough's economic interests on a regional basis, and lead on the development and implementation of an economic development strategy • To be responsible for the Council's approach to energy management within its own buildings • To be responsible for estate and facilities management and building services • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To work with the Redbridge Institute to develop community based learning and ensure an ongoing effective delivery of courses to make residents work ready • To direct the Council's employment programmes and creating affordable workspace to provide increased opportunities for the long-term unemployed, those with complex needs, vulnerable adults, and people with disabilities. • To develop an apprenticeship programme for the borough and to advocate for a Council apprenticeship programme. • To lead on the implementation of the Council's vision for the |
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| | <p>regeneration of secondary shopping centres and parades</p> <ul style="list-style-type: none">• To have overall responsibility for strategic policy in respect of Adult Lifelong Learning Services• To promote post-16 education, training and skills for employment in schools, colleges and other settings.• To support the Council's commitments to make Redbridge a London Living Wage Place by encouraging all businesses to pay the Living Wage.• To oversee the implementation of the Employment, Skills and Enterprise Strategy, and working in partnership with Local London and the GLA to implement effectively across the borough |
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| Portfolio | Role |
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| Resources & Transformation | <p>This portfolio is focused on the effective workings of the organisation and to consider areas for transformation as well as the overall change programmes of the organisation. The way that we interact with customers and our digital strategy for the organisation are important in defining the future organisation.</p> <ul style="list-style-type: none"> • To be responsible for overall customer services and modernising our approach to the customer front door • To oversee the Council’s Customer Complaints Procedure and the Council’s relationship with the Local Government Ombudsman • To champion the Council’s approach to quality awards including Investors in People • To be responsible for Information Governance • To be responsible for effective internal audit and counter fraud • To champion Risk Management and the understanding of risk • To promote the use of electronic and web-based technology and transactions • To be responsible for the financing and provisions for the registration of births, deaths and marriages and civil partnerships, citizenship ceremonies and nationality checking • To develop and maintain a corporate procurement strategy and including the Fairtrade Policy and promotion of social value • To have oversight of Electoral Services to include overseeing our efforts to increase voter registration and participation levels • To be responsible for developing, implementing, monitoring and reviewing ICT Strategies • To be responsible for a modern HR service that supports the development of an effective workforce |

| Portfolio | Role |
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| Leisure, Culture & Communities | <p>This portfolio will support community cohesion and equalities across Redbridge. It is about supporting an active and healthy borough and working with community groups and the voluntary sector to give residents the best possible place to live. The portfolio will lead on the relationship with Vision and the development of a Redbridge cultural strategy.</p> <ul style="list-style-type: none"> • To develop relationships with local community interest groups, businesses, residents and voluntary sector. • To develop a Culture Strategy to include all recreational and cultural activities • To develop a Leisure Strategy • To support the development and enhancement of community facilities • To ensure the effective provision and management of sports grounds, parks, open green spaces, leisure, recreational and cultural activities and facilities • To have overall responsibility for the Borough library service • To have overall responsibility for the Council's involvement with the Kenneth More Theatre, Redbridge Drama Service and Music Service • To have overall responsibility for the administration of leisure grants • To have overall responsibility for all outdoor centres • To have overall responsibility for the organisation of festivals • To have overall responsibility for the Local Compact with the Voluntary and Community Sector • To explore different ways of consulting residents on changes to the Council – making Redbridge a more participatory democracy which will enhance our representative democracy • To review the Council's decision-making processes to ensure that they offer residents the opportunity to effectively participate in local democracy • To have overall responsibility for Democratic and Scrutiny services • To work closely with the Voluntary Sector Partnership to identify community needs and priorities, and maximise their role in addressing them • To have overall responsibility for the development of Council-wide policy on providing financial support to voluntary sector organisations as part of a Redbridge VCS strategy • To develop strategy and policy to consider and determine grant applications from external organisations incorporating the need to promote equalities |

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| | <ul style="list-style-type: none">• To have overall responsibility for equalities and promoting community cohesion and implementing a borough EDI strategy• To oversee the Council's Community Cohesion policies and activities.• To support the work of the Prevent team• To support the co-operative and mutual economy in Redbridge |
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| Portfolio | Role |
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| Housing and Homelessness | <p>The portfolio will look at both the needs of residents and our ability to address the Redbridge housing supply. The role will monitor and manage the pressures on our temporary housing provision and support the national asylum schemes as well as our work to address homelessness.</p> <ul style="list-style-type: none"> • To determine and keep under review policies in respect of the private sector including making grants for the repair, improvement and conversion and adaptation of privately owned housing and achieving good quality accommodation and management in the private sector • To have overall responsibility for the effective management of the Council's existing housing stock and associated property including its repair and maintenance and by exploring and entering into partnerships, where appropriate • To set and control the rents of properties within the Housing Revenue Account and to determine a charging policy for other facilities • To be responsible for the development of all appropriate Housing related plans and strategies • To be responsible for monitoring budgets and any capital schemes for services within the portfolio • To be the Lead Cabinet Member responsible for the Council's overall Housing Strategy including the establishment of Roding Homes • To determine and operate policies for dealing with houses in multiple occupation, and to lead and have responsibility for the enforcement of the Private Sector Landlord Registration Scheme • To be responsible for homelessness matters and reviews • To be responsible for the Council's agenda to end homelessness and to advocate for additional capacity, responsibilities and support • To work with third sector organisations to address community issues including homelessness |

| Portfolio | Role |
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| Enforcement and Community Safety | <p>A major priority for residents is being able to live in a safer borough that tackles the causes of crime and to take enforcement measures where needed. The Crime Commission, which has set out a broad set of ambitions across 6 main areas with 48 commitments, provides a framework for this portfolio. Within this there are specific priorities around Violence Against Women and Girls and the need to address safety after dark.</p> <ul style="list-style-type: none"> • To act on the Council’s behalf in relation to Redbridge community safety partnerships • To have overall responsibility for anti-prostitution and adult sexual exploitation work • To work closely with the Police, enforcement agencies and other key stakeholders to develop Crime Prevention policies. • To develop and implement Engagement and Enforcement Hubs across the borough as well as increase police accessibility • To have overall responsibility for Public Protection and Emergency Planning, including the operation of CCTV • To oversee the development and implementation of policies and strategies to combat Alcohol, Drugs and Substance abuse, illegal tobacco and Anti-Social Behaviour • To oversee the efficient and effective discharge of the Borough’s public protection responsibilities as they relate to trading standards, licensing, public safety and health • To have oversight of the implementation of the Council’s plans to have active Street watch in all borough wards • To be responsible for all of the Council’s public protection and street-scene enforcement services, including the investigation and prosecution of cases • To oversee work on the Domestic Violence Strategy development and implementation • To advocate for increased safety capacity including visible policing • To lead community awareness campaigns to support strategic priorities as set out in the Crime Commission plan. |

3.4: Budget consultation process

- 1 Cabinet is responsible for preparing the Council's Budget and Policy framework, which sets the context in which Executive decisions are made, and in which operational activity is undertaken.
- 2 Cabinet recommends the Budget and Policy framework to Full Council, which makes the decision whether or not to adopt it. Arrangements for Council's decision can be found in Procedure Rules in Part 5 section xxx.
- 3 The importance of the Budget and Policy Framework means that Cabinet has a responsibility to consult widely on its development before a recommendation is put to Council. This section sets out the arrangements for that consultation.
- 4 All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework (or component of that framework) must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

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| Stage 1 | The Executive will consider the budget outlook in relation to policy priorities and will determine proposed budget priorities for the forthcoming budget process |
| Stage 2 | Officers will work with Cabinet Members to draw up detailed options |
| Stage 3 | The Executive will consult upon the budget priorities and initial officers' options with Scrutiny Committees. The Scrutiny Committees may carry out further consultation on their own behalf. The results of any consultation will be reflected in the responses to the Executive. Consultation on budget priorities will also take place with the public, schools and partner organisations |
| Stage 4 | Taking account of the results of the earlier consultation, and drawing upon Government resource announcements the Executive will draw up detailed budget proposals for further consideration |
| Stage 5 | The detailed proposals will be referred to Scrutiny Committees, partners and schools for further consultation. Other consultations may take place subject to timescales allowing |
| Stage 6 | The Executive may amend their proposals in light of this consultation, and further information, prior to proposal being submitted to Council |
| Stage 7 | Council will then receive proposals and views of Scrutiny Committees and other consultees and accept or amend the Executive proposals. |

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| | Arrangements for Council's consideration of Cabinet's recommendations, including rules relating to amendments and conflict resolution should Council not agree to Cabinet's recommendations, are set out in Procedure Rules (xxx) |
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3.5: Approved Changes to the Budget and Policy Framework

1. The Executive shall have power to amend, modify, vary or revoke the Policy Framework within the year, without reference to Council, in response to legislative requirements.
2. Any such changes shall be reported to the Council.
3. The Executive shall have power to vary the budget in accordance with the Financial Procedure Rules of the Council (Part xx, Section xx).
4. Any other changes to the Policy and Budget framework are reserved to the Council.
5. Urgent decisions outside the Budget and Policy Framework shall only be made in accordance with the rules set out in section xxx.

Consulting on proposals for changes to policies in the Budget and Policy Framework

6. Other than in relation to changes approved under paragraph 2 above, the Leader will include in the forward plan a timetable for making proposals to the Council for:
 - a. the adoption / approval or amendment of any policy, plan, or strategy that forms or is likely to form part of the Policy Framework; or
 - b. the draft annual budget or amendments to the agreed budget; and
 - c. its arrangements for consultation on those proposals (as set out in subsection D above).
7. If a relevant Scrutiny or other Committee wishes to respond to the Executive in that consultation process then it may do so.
8. Consultation, (whether carried out by Cabinet as a whole or by an individual Cabinet member), must be carried out, and reported, in a way that reflects the rule set out in Subsection D Paragraph 4 above.

Reports to Council

9. Once the consultation process has ended, the Executive will draw up proposals for submission to Budget Council.
10. The Executive will take any response from relevant Committees into account in drawing up their proposals for submission to the Council.
11. Arrangements for the consideration by the Council of Cabinet's Budget proposals are set out in Procedure Rules (xxx)

3.6: Executive decision-making rules: general

1. Decision-making will conform to the following rules:
 - a. Cabinet decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the access to information rules in part xxx of the constitution and in accordance with the procedures in section xxx below.
 - b. Where Cabinet decisions are delegated to a committee of the Cabinet, the rules applying to Cabinet decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.
 - c. Where Cabinet decisions are delegated to individual members of the Cabinet they will be taken in accordance with the procedures in section xxx below.
 - d. Even where Cabinet functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.
 - e. Key decisions (defined in section 1, subsection C above) may not be made other than as described in paragraph xxx below.

Consultation

1. All reports to the individual Cabinet member will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration. Any representations received must be forwarded to the decision maker for consideration.
2. Where a ward Councillor submits representations, that information must be placed before the relevant individual Cabinet member for consideration prior to taking the decision.

3.7: Executive decision-making rules: arrangements for individual Cabinet member decision-making

1. Executive decisions shall be made by the individual Cabinet member with responsibility for the portfolio, or by an officer delegated by the Scheme of Officer Delegation to make that decision, unless the decision is a decision that has been reserved to Cabinet under xxx below.

Who takes the decision

2. In the case of a Key Decision, the individual Cabinet member who is responsible for the portfolio area, or to whom the decision is delegated, shall take the decision, except in the following circumstances:
 - a. the Leader, or in their absence, Deputy Leader may take the decision if the relevant individual Cabinet member is unavailable
 - b. the relevant individual Cabinet member may indicate that they wish the decision to be referred to a meeting of the full Cabinet
 - c. the Leader or the Chief Executive may direct that the decision be reserved to a meeting of the Cabinet
 - d. where an individual Cabinet member has a disclosable pecuniary interest in the decision the matter shall be referred to the Cabinet
 - e. where the decision affects more than one portfolio or is a crosscutting issue the matter shall be referred to the Cabinet.

3. Any Executive function that is not specially delegated by the Leader of the Council to the Cabinet or an individual Cabinet member, and is not a Key Decision, is deemed to be delegated to the appropriate chief officer in the relevant department. The relevant chief officer as the senior officer in each department will maintain an internal scheme of delegations setting out individual delegations to officers.
4. Non Key-Decisions delegated to individual officers shall not be subject to call-in provisions. The formal records relating to individual officer decisions shall be made available to Councillors and members of the public on request.

Conflicts of interest

5. Where the Leader has a conflict of interest this should be dealt with as set out in the Members' code of conduct in part xx of this constitution.
6. If every member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's code of conduct for members in part xx of this constitution.
7. If the exercise of an Executive function has been delegated to a committee of the Cabinet, an individual member of the Cabinet or an officer, and should a conflict of interest arise, then the function will be exercised in the first instance by the person or body by whom the delegation was made.

Who may inspect documents

8. All reports for key individual Cabinet member decisions shall be available for public inspection five clear working days prior to the decision, subject to the general exception to this rule, and the rule for special urgency, at subsection H.

Content of decision reports

9. In the case of any Executive decision, the relevant individual Cabinet member shall consider a report setting out:
 - a. the recommendation,
 - b. the reason for the decision, and a summary of the evidence collected in arriving at that reason,
 - c. any alternative options considered, and the reason for rejecting those alternatives
 - d. details of any consultation and any representations received
 - e. details of any impact on equalities;
 - f. any other information which the report author and Monitoring Officer consider necessary in ensuring that the decision is legally proper
10. A decision sheet shall be sent to the individual Cabinet member with the report. This will state the earliest date when the decision-taker can take the decision and deadlines and arrangements for call-in, where applicable.
11. The decision-taker can discuss the report with relevant officers if required.
12. In the case of a non-key decision, a report fulfilling the above requirements shall be considered by the relevant individual Cabinet member, but that report shall specify that on

being signed the decision will come into place immediately and is not subject to call-in.

Formal records to be maintained for decisions made by individual Cabinet members

13. The decision maker must complete and sign a decision sheet for each decision.
14. The date the decision was made shall be recorded (and if different in the case of a key decision, the date when the decision shall be implemented)
15. All completed decision sheets must be forwarded to the proper constitutional officer. Copies of all reports and decision sheets are to be maintained by the proper constitutional officer.

3.8: Executive decision-making rules: arrangements for decision-making by individual officers

1. Rules relating to Executive decision-making by officers under delegated powers can be found at xxx.

3.9: Procedure before taking key decisions

1. Key decisions (defined in section 1 subsection C of this Part) may not be taken by any person or body (including Officers) unless at least 28 clear days before the decision is made a document is made available for inspection by the public at the Town Hall and on the Council's website which states:
 - (a) that a Key Decision is to be made;
 - (b) the matter in respect of which the decision is to be made;
 - (c) where the decision maker is an individual, that individual's name, and title if any and, where the decision maker is a decision-making body, its name and a list of its members;
 - (d) the date on which, or the period within which, the decision is to be made;
 - (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
 - (f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
 - (g) that other documents relevant to those matters may be submitted to the decision maker; and
 - (h) the procedure for requesting details of those documents (if any) as they become available.

This paragraph does not require the disclosure of any information which is confidential or exempt.

General exception

2. Where a proposed decision, which is likely to be a Key Decision, has not been published in accordance with subsection H paragraph 1 above, the decision may still be taken if the following conditions are met:-
3. it is impracticable to defer the decision until subsection H paragraph 1 can be complied with; and
 - a. the Monitoring Officer has given written notice to the Chair of Overview and Scrutiny Committee, or, if there is no such person, each member of Overview and Scrutiny Committee, of the matter about which the decision is to be made;
 - b. the Monitoring Officer has made copies of that notice available to the public at the Town Hall and published it on the Council's website; and

- c. at least 5 clear working days have elapsed since the Monitoring Officer complied with (a) and (b).
4. As soon as reasonably practicable after the Monitoring Officer has complied with these rules, a notice setting out the reasons why compliance with H(1) was impracticable must be made available at the Town Hall and published on the Council's website.

Urgency

5. Where the date by which a key decision must be made makes compliance with the requirements above impracticable the decision can only be taken if the decision maker (if an individual) or the Chair of the body making the decision, obtains the agreement of the Chair of Overview and Scrutiny Committee, or if there is no such person or the Chair is unable to act, the agreement of the Mayor or, if there is no Mayor, the Deputy Mayor that the proposed decision is urgent and cannot reasonably be deferred.
6. As soon as reasonably practicable after the decision maker or Chair has obtained the agreement required in paragraph xxx, the Monitoring Officer must make a notice available at the Town Hall and on the Council's website setting out the reasons why the decision is urgent and cannot reasonably be deferred.
7. Provided paragraphs 5 and 6 are complied with, the Executive or a person or body exercising delegated executive powers may take a decision, which is contrary to the Council's Policy Framework or contrary to or not wholly in accordance with the Budget approved by Budget Council if the decision is a matter of urgency.
8. Following the decision, the decision maker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

3.10: Recording of Executive Decisions

1. As soon as reasonably practicable after any meeting at which an Executive Decision was made, or after an individual Cabinet member or officer has made an Executive Decision, the Monitoring Officer will ensure (on the notification of the decision-maker, where relevant) that a written statement is produced for every Executive Decision made which shall include the following:
 - a. a record of the decision, including the date it was made;
 - b. a record of the reasons for the decision, which shall include reference to any legal, financial or other relevant considerations;
 - c. details of any alternative options considered and rejected by the decision-making body at the meeting at which the decision was made;
 - d. details of any background papers which relate to the decision.
 - e. a record of any conflict of interest relating to the matter decided which is declared by any member of the decision-making body which made the decision; and
2. in respect of any declared conflict of interest, a note of any dispensation granted by the Chief Executive. Specific rules relating to the recording and reporting of Executive Decisions

made by officers can be found at section xx subsection xx.

3.11: Inspection and Supply of Documents following Executive Decisions

1. After a meeting of a decision-making body at which an Executive Decision has been made, or after an individual Cabinet member or an officer has made an Executive Decision, the Monitoring Officer will make available copies of any records or reports prepared or considered in accordance with subsection 1 for inspection by members of the public at the Town Hall and on the Council's website. Such documents will be made available for inspection by the public for a period of at least 6 years.

3.12: Reports to Council

1. Where an Executive Decision has been made and:
 - a. was not treated as a Key Decision; and
 - b. the Overview and Scrutiny Committee is of the opinion that the decision should have been treated as a Key Decision;
2. The Overview and Scrutiny Committee may, further to a call-in undertaken subject to rules set out in Part xx Section xx, require the Executive to submit a report to the Council within such reasonable period as the Committee may specify. The report to Council will include details of the decision and the reasons for the decision, details of the decision-maker and, if the Executive is of the opinion that the decision was not a Key Decision, the reason for that opinion.

Section 4: Responsibility for local choice functions

1. Schedule 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 sets out a number of functions which may be exercised either by the Executive or which may be reserved to the Council or a non-executive committee of the Council. These are referred to as "local choice functions".
2. The table which follows sets out the relevant local choice functions and specifies whether they are to be exercised by the Executive or by Council. Where a function is to be exercised by Council, the table also indicates whether this is to be exercised by Council itself or a committee.

| LOCAL CHOICE FUNCTION | EXECUTIVE OR COUNCIL |
|---|---|
| 1. Any function under a local Act other than a function specified or referred to in regulation 2 or Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. | If the function is one of a similar type, class or nature to other functions of the Executive, then the function shall be exercised by the Executive. Otherwise, the function shall be exercised by the Council. In particular, any power to adopt provisions in local legislation shall be exercised by full Council. Where a function shall be exercised by Council, it may be exercised by any committee exercising non-executive functions where the function falls within that committee's terms of reference. |
| 2. The determination of an appeal against any decision made by or on behalf of the authority. | Council. Where the appeal concerned falls within the terms of reference of any non-executive committee, that committee may determine any such appeal. |
| 3. The making of arrangements in relation to appeals against exclusion of pupils. | Executive |
| 4. The making of arrangements in relation to admission appeals. | Executive |
| 5. The making of arrangements pursuant to section 95(2) of the School Standards and Framework Act 1998 (appeals by governing bodies in respect of children to whom section 87 of the School Standards and Framework Act apply). | Executive |
| 6. Any function relating to contaminated land. | Executive |
| 7. The discharge of any function relating to the control of pollution or the management of air quality. | Executive |

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| 8. The service of an abatement notice in respect of a statutory nuisance. | Executive |
| 9. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Borough. | Executive |
| 10. The inspection of the Borough to detect any statutory nuisance. | Executive |
| 11. The investigation of any complaint as to the existence of a statutory nuisance. | Executive |
| 12. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land. | If the information is required for the purposes of a function which may be exercised by the Executive, the Executive shall exercise this function, otherwise it shall be exercised by Council. Where this function is to be exercised by Council, it may be exercised by the Regulatory Committee. |
| 13. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976. | If the information is required for the purposes of a function which may be exercised by the Executive, the Executive shall exercise this function, otherwise it shall be exercised by the Council. Where the function concerned is to be exercised by Council and falls within the terms of reference of any committee exercising non- executive functions, that committee may exercise this function. |
| 14. The making of agreements for the execution of highways works. | Executive unless the need for the highways agreement has arisen from a planning decision, in which case the responsibility shall lie with Council, and the function may be exercised by Regulatory Committee. |
| 15. The appointment of any individual (a) to any office other than an office in which they are employed by the Council; (b) to any body other than - (i) the Council; (ii) a joint committee of two or more authorities; or (c) to any committee or sub-committee of such a body, and the revocation of any such appointment. | Executive |
| 16. The making of agreements with other local authorities for the placing of staff at the disposal of | Executive |

| | |
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| those other authorities. | |
|--------------------------|--|

Section 5: Joint arrangements

5.1: Description of joint arrangements

1. The Council may establish joint arrangements with one or more local authorities to exercise functions which are not Executive functions in any of the participating authorities, or advise the Council. Such arrangements may involve the appointment of a Joint Committee with these other local authorities.
2. The Executive may establish joint arrangements with one or more local authorities to exercise functions, which are Executive functions. Such arrangements may involve the appointment of Joint Committees with these other local authorities.
3. The Executive may only appoint Executive Members to a Joint Committee and those Members need not reflect the political composition of the local authority as a whole.
4. Details of any joint arrangements, including any delegations to Joint Committees, will be found in Part 2 of this Constitution.

5.2: Access to information

1. If all the members of a joint Committee are Members of the Cabinet in each of the participating authorities then its Access to Information regime is the same as that applied to Cabinet by regulations under sections 22 and 105 of the Local Government Act 2000
2. If the joint Committee contains Members who are not on the Cabinet of any participating authority then the Access to Information rules in Part VA of the Local Government Act 1972 will apply.

5.3: Delegation to and from other local authorities

1. The Council may delegate non-Executive functions to another local authority or, in certain circumstances, the executive of another local authority.
2. The Executive may delegate Executive functions to another local authority or the executive of another local authority in certain circumstances.
3. The decision whether or not to accept such delegation from another local authority shall be reserved to Full Council.

5.4: Contracting out

1. The Council (in respect of functions which are not Executive functions) and the Executive (in respect of Executive functions) may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision-making.

Section 6: Delegation to officers

The arrangements set out for the management of delegated decisions, and the taking of those decisions by members and officers, should be read in conjunction with the other rules forming this Part of the Constitution.

6.1: Responsibility for Scheme of Delegation and Publication

1. This Scheme of Delegation is published further to section 100G of the Local Government Act 1972 and shall be available for public inspection in accordance with section 100G(4) of that Act. It describes the powers, and the sources of the powers (described in more detail in paragraph 6 of subsection B), that officers of the Council hold to make decisions. It applies to both Executive and non-Executive decision-making.
2. For completeness, the scheme also sets out those powers conferred directly on officers by legislation, where legislation requires that a "proper officer" be identified or designated to perform that function.
3. This Scheme is maintained and updated from time to time by the Monitoring Officer who shall have the power to amend it to reflect re-organisations, changes in job titles and vacancies and to correct any typographical errors or inconsistencies subsequently identified or to reflect changes to names, roles or similar.
4. This Scheme is necessary to demonstrate, if called upon to do so, that officers and others have the necessary authority to act on behalf of the Council. It is essential, therefore, that this Scheme is kept up-to-date. It is the responsibility of each Chief Officer to inform the Monitoring Officer of any changes to nominations, authorisations, roles or responsibilities and legislation so that appropriate amendments may be made to this Scheme.
5. The Monitoring Officer shall ensure that the Scheme of Delegation is kept under review and is published on the Council's website together with any schedules thereto.

6.2: Interpretation and overview

1. This section and the following sections relate to officer responsibilities for all decisions, not just executive decisions.
2. Councillors must be the decision-makers for major, strategic decisions. They may make decisions at Council, at regulatory committees such as Planning or Licensing, or at Cabinet (with Cabinet decisions being referred to as "Executive Decisions").
3. There are certain decisions which may not, by law, be delegated – either from Council, from Cabinet, or by a body such as a licensing or planning committee. There are other matters on which Cabinet has discretion to delegate certain decisions to officers. . The scheme of delegation ensures that this delegation, when it happens, is clear and consistent.
4. The Scheme also sets out where powers to make decisions are conferred directly by legislation, rather than being delegated by the Council or Cabinet.

5. Effective officer decision-making relies on a number of principles which are additional to the general decision-making principles set out in Part xx.
6. The overall decision-making functions of the authority can be divided into three categories, which reflect different sources of power for those functions:
 - a) **Functions of the Executive.** These are powers conferred directly on the Executive (the Cabinet) by law, and those powers that the Council has decided shall be carried by the Executive where the law provides for a local choice. These decisions are "Executive Decisions". They do not include decisions which are made by officers in the ordinary, day to day management and operation of their services, the transaction of which ultimately falls under the responsibility of the Chief Executive (as Head of Paid Service). Some Executive Decisions are "key decisions". When an Executive Decision is designated as a Key Decision there are additional obligations around how it should be made, and implemented which are set out in part xx. In making these decisions, officer decision-makers will need to have regard to the financial limits of delegated powers set out in part XXX;
 - b) **Functions of the Council.** These are powers which the law says must be carried out by full Council. This includes agreeing the Budget and Policy framework. Some Council duties may be delegated by full Council to other Council bodies, or to officers. Examples include planning and licensing decision-making, which are carried out by officers further to delegations made by the Council committees that hold those functions;
 - c) **Functions given to individual officers by other means.** These are powers given to individual officers to carry out duties in a way that is specified in legislation. Some of these powers require that a "proper officer" is identified to carry out these functions. This designation may be provided for:
 - **In legislation directly** – e.g. where the Council's Monitoring Officer is designated as the proper officer to transact certain duties;
 - **By Council or by the Chief Executive** – the Council – either in a formal meeting or through a duty that sits with the Chief Executive – may be able to designate the role whose occupant holds a specific statutory duty. Usually a deputy can be designated to carry out the duties of the named "proper officer" in that person's absence, but powers made available in this way cannot usually be delegated onwards.
7. In some cases legislation gives power to a local authority, corporately, to do something. Legislation may confer power by using statements such as "A Council may" or "A Council must". In this case the power exercised by officers is interpreted as having been delegated by Council (or Cabinet, as it may be) subject to the terms set out in this Scheme (see above).
8. Sometimes, a named officer (in most cases the Chief Executive or Monitoring Officer) may have a general power to oversee, ensure or assure the Council's adherence to a variety of statutory obligations. More detail is set out in xxx.

6.3: Financial limits for executive decisions

1. The financial limit for decisions by officers is £500k for revenue expenditure and £1 million for capital expenditure, except where the decision is required to be made prior to the next Cabinet meeting for reasons of urgency or in order to meet a constitutional, legal, contractual, third party or government deadline and except where provided for in Contract

Standing Orders or Financial Regulations.

2. In accordance with Contract Procedure Rules, Cabinet Members and officers are permitted to award a contract to a contractor provided that the award is made in accordance with the recommendations of a tender evaluation panel and such contract award decisions are subject to a for the limits set out in paragraph 1 above for officers and no limit for Cabinet Members.
3. Neither the Executive member, or officer, financial limit shall apply to any decision taken in connection with the statutory Right to Buy scheme or statutory property enfranchisement or in connection with the renewal or extension of an existing lease, license or other contractual arrangement or any other decisions taken in connection with any such existing lease, license or contractual arrangement.
4. The value of any decision will be assessed in accordance with guidance issued from time to time by the Monitoring Officer on decision-making thresholds and powers.
5. The Council's Financial Procedure Rules and CSOs also prescribe certain other financial limits or thresholds to which Executive members and officer powers are subject.
6. The Table below contains additional financial limits on officer powers:

| Power | Limitation |
|---|---|
| Make <i>ex-gratia</i> payments | <ul style="list-style-type: none"> • The Redundancy, Pensions & Payments Panel (RPPP) up to £0.020m. • £0.020m up to £0.100m, in addition to the RPPP, the approval of both the Chief Executive and the Leader of the Council • £0.100m and over to be approved by Council (in addition to the above). |
| Pay honoraria | Relevant Executive Director up to and including £10k. Over £10k Chief Executive |
| Pay a sum due to any deceased officer to their personal representative without requiring production of probate or letters of administration | Relevant Executive Director up to and including £10k. Over £10k Chief Executive |
| Make reimbursements in accordance with a scheme to compensate outgoing tenants for improvements | As above |
| Pay money to any tenant/resident association | As above |
| Pay compensation to trustees | As above |

| | |
|--|---|
| Pay compensation to the person entitled to the rents and profits of land acquired | As above |
| Instruct Monitoring Officer to pay purchase money for land acquired compulsorily into the Senior Court | As above |
| Instruct Monitoring Officer to pay purchase money or compensation to the Supreme Court or to Trustees | As above |
| Settle legal proceedings and/or make payment in settlement | As above |
| Pay compensation to any person in accordance with the recommendations of the Ombudsman | As above |
| Acting Up Allowance | As above |
| To pay purchase money or compensation to the parties directly | As above but subject to any other requirements in Financial regulations |

6.4: Principles underpinning officer decision-making

1. The most fundamental principle is that the powers exercised by officers under the Scheme do not extend to any of the functions reserved by [Part xx of the Constitution to Council, to the Cabinet or to any committee of the Council].
 - a. Officers may not change policies which have been approved by Cabinet or Council, or create new policies where the right to do so is reserved to Cabinet or Council, by law or by the terms of this Constitution.
 - b. Delegations shall be construed in a broad and inclusive way, to include the doing of anything connected to the discharge of the delegation.
 - c. The exercise of a delegated power is discretionary – rules around the referral of certain decisions to others is set out in part xxx (rules may be different for certain powers conferred by legislation);
 - d. Delegations generally are permanent arrangements which remain in place until they

- are formally changed;
 - e. On certain decisions, there will still be an obligation to consult and engage with executive members, even where officers continue to be the formal decision-maker;
 - f. Officers may also not provide formal responses to any formal consultation by an external body (which may include consultations on White Papers) where those consultations may lead to policy changes, or where they may have a significant impact on services.
2. Notwithstanding the content of the Scheme and of these introductory sections, the question of interpretation of this material in the constitution shall be determined by the Monitoring Officer.

Further Limitations Imposed by the Leader of the Council

3. The Leader has for the time being and subject to change at any time, determined that no decision may be taken by a Cabinet Member or an officer on any matter which:
- a. will result in a recommendation or proposal being made to Full Council;
 - b. the Leader has decided should be referred to Full Council;
 - c. the Leader has decided should be referred to the Cabinet;
 - d. approves a major new policy or strategy (as determined by the Leader of the Council);
 - e. will lead to the closure of a public facility such as a school, library, leisure centre or residential home;
 - f. directly and immediately affects all residents or all businesses in the borough.

Recording and reporting

4. Although there is a requirement for decisions made using powers set out in this Scheme to be recorded and reported (reflective of wider obligations set out in section xxx), a failure to record and report decisions in the way set out does not *on its own* mean that the decision does not have effect. Decisions made under these powers should be understood as taking legal effect immediately on being made.
5. Specific requirements – in particular those setting out arrangements for sub-delegation and for the recording and reporting of decisions – are set out below.
6. In general, a record shall be kept of Executive decisions made by officers which sets out, amongst other items that may be deemed necessary by the Monitoring Officer, in respect of every decision:
- a. a record of the decision including the date it was made;
 - b. a record of the reasons for the decision;
 - c. details of any alternative options considered and rejected by the officer when making the decision;
 - d. a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision. and
 - e. in respect of any declared conflict of interest, a note of dispensation granted by the Chief Executive.

Requirement to consult with other officers

7. Officers will exercise their power to make decisions under delegated powers with regard to the work of (and power held by) other officers. Certain officers will need to work together consistently and regularly to carry out duties relating to services whose functions are closely linked – for example, the duties relating to the Local Authority Social Services Act 1970. In some cases, expectations around consultation between officers are set out in the Scheme, although the lack of an explicit mention of this duty in respect of certain powers does not mean that a requirement to consult is not present.
8. This will particularly need to be the case where the exercise of a delegated power is likely to affect more than one service area. In this case direct consultation shall take place with any Director whose service area is likely to be affected.
9. If a delegated function straddles one or more officer responsibilities, the function may be exercised by either or any of the relevant officers but, if necessary, the Chief Executive or relevant Chief Officer will decide which officer should exercise the function.

Requirement to consult with Cabinet Members

10. In the case of Executive decisions, there is an expectation that the relevant Portfolio Holder will be consulted where a decision is planned to be made using delegated powers. Consultation with members will usually take place in formal meetings convened regularly by the relevant Chief Officer/Executive Director, resulting in the preparation of a minute describing the nature of the consultation and the outcome.
11. Consultation should be:
 - a. Timely, to ensure that the relevant Portfolio Holder's views can be fully taken into account in the substance of the decision;
 - b. Proportionate, to ensure that the principle of delegation is not undermined, that decisions are not *de facto* made by the Portfolio Holder, and that Portfolio Holders are involved in supporting delegated decisions where appropriate and not indiscriminately;
 - c. Consistent, to ensure that the decision-making process is predictable across the whole Council;
 - d. Documented, to ensure transparency and accountability and that in making decisions, officers are having regard only to considerations legally relevant to the decision itself, with consultation having been limited to those issues.
12. If a delegated function straddles one or more Cabinet portfolios, the officer will be required to consult with both Cabinet members, subject to the Leader's scheme of member delegation.
13. In determining on what matters Portfolio Holders should be consulted, officers shall have regard to:
 - a. The likely impact, to the Council and the wider community, of the decision;
 - b. The risks attached to the decision, which may include the risks attached to options considered but not taken forward;

c. The degree of political contention associated with the decision.

14. Officers shall always notify Councillors when operational action of a significant nature is planned to be undertaken in their wards, but this should not amount to consultation on the nature of that action other than as part of a wider consultation / engagement exercise.
15. For the avoidance of doubt, notwithstanding the commitment to consult Portfolio Holders, the responsibility to make Executive decisions shall rest with the officer designated in this Scheme, unless the officer takes a decision to refer the matter to the Portfolio Holder for decision in line with the rule set out in xxx.

6.5: Informal bodies and working groups

1. The Chief Executive has formed a body known as the Executive Leadership Team (ELT), bringing together Executive Directors (Chief Officers), the Director of Assurance and certain other senior officers, to co-ordinate decision-making and to ensure accountability in the organisation and operation of the Council.
2. At directorate level, individual Executive Directors organise Directorate Management Teams (DMTs), comprised of key members of their staff, to perform similar functions.
3. For the avoidance of doubt the Executive Leadership Team (ELT), as an entity, is not a body authorised to formally make decisions. This is also the case for DMTs. Other working Groups and Boards, which may have been established at corporate or directorate level to assist in the decision-making process, are also not (in and of themselves) decision-making bodies.
4. Officers with the power to make decisions may co-ordinate the exercise of those powers at meetings of ELT, at Boards and at directorate management teams (DMTs) but those officers retain their individual legal responsibility for decision-making, even if they choose to exercise those responsibilities in the locus of a meeting involving other officers.

6.6: The role of statutory officers and proper officers

1. The Local Government Act 1972 and other legislation require local authorities to make specific statutory appointments which carry specific responsibilities. Three of those posts are the principal statutory officer posts whose duties relate to governance, namely the Head of Paid Service, s151 officer and Monitoring Officer. These are identified in Appendix A. There are also other statutory officer posts whose duties relate to the delivery of certain services – for example the Director of Adult Social Services and the Director of Children’s Services.
2. Earlier local government legislation required local authorities to appoint officers with specified titles but the Local Government Act 1972, in the main, abolished the procedure. This was in order to give local authorities freedom in deciding what officer posts to establish. It follows that the officers responsible for certain statutory duties can no longer be identified by the post they occupy.
3. Consequently, the Act makes provision for certain officers to be designated by their employing authority as the “Proper Officer” to carry out particular functions under various Acts of Parliament. These posts are set out in the tables below.

Appointment / designation of proper officers

4. The Monitoring Officer has delegated authority to make Proper Officer appointments between meetings of full Council, subject to Council's subsequent approval. This does not include the power to designate or appoint the s151 officer or Head of Paid Service which is a matter for Council alone.
5. If the office of any of the Proper Officers is vacant, or the person appointed is absent or otherwise unable to act, then the most senior available officer or person to the Proper Officer is authorised to act as Proper Officer. The power to make such interim designations will sit with the Monitoring Officer.

6.7: Sub-delegation

1. Sub-delegation – sometimes called “onward delegation” – is the principle that certain powers, once delegated, can be delegated further to other officers.

General principles

2. Where a power is sub-delegated it will be subject to the same principles as set out in section 2.
3. The power held by Executive Directors to make decisions may usually be sub-delegated on to other officers if the source of the power is:
 - a. Cabinet; ie in the case of Executive decisions;
 - b. Council or a committee of council.
4. However, there are circumstances in which unrestricted sub-delegation is not permitted, such as:
 - a. Where power is conferred on a specific “proper officer” by legislation;
 - b. Where the law does not permit a power to be delegated below a certain level.
5. In certain circumstances the Council may, in the scheme of delegation or in any scheme of sub-delegation, determine its own restrictions on the sub-delegation.

Sub-delegation from the Chief Executive

6. Any power exercisable by the Chief Executive in the Scheme shall be exercisable in the absence of the Chief Executive by the Deputy Chief Executive or such other Chief Officer as the Chief Executive shall designate .
7. The Chief Executive may designate officers as authorised, or proper officers for exercising the Council's powers under any statutory provisions, subject to the powers conferred by legislation to do so. In particular, the designation of the Chief Executive, S151 officer, Monitoring Officer shall be made by Council as part of the appointments procedure for senior officers as set out in Part xx.
8. If considering the exercise of a delegated power which would normally be exercised by one of the other members of the Executive Leadership Team, the Chief Executive shall consult with

those officers and members who are required to be consulted in paragraphs D(XX).. In doing so, the Chief Executive shall have regard to the possibility that the source and scope of the power in question may restrict the right of other officers to exercise it.

Sub-delegation from Chief Officers

9. Chief Officers are individually authorised to act on behalf of the Council within the service area for which they are responsible. This includes the power to sub-delegate decision-making authority, where the source and scope of that power permits that sub-delegation. This is additional to the general power set out in this scheme for officers to deputise for Executive Directors.
10. Chief Officers may sub-delegate powers to make single decisions, or a class of decision, to another officer, where such power may be legally delegated. This includes the delegation by Chief Officers of certain functions to other staff in their departments.
11. Arrangements for sub-delegation made by Chief Officers shall be recorded, reviewed by the Executive Leadership Team, reviewed and agreed by the Monitoring Officer, and then made available for inspection. Arrangements should then be shared with the relevant Cabinet Member(s).
12. The local schemes of delegation maintained by the Chief Officers, Deputy Chief Officers and Heads of Service may specify the areas of responsibility allocated to others and any conditions or limitations to which their delegations are subject.
13. Arrangements for sub-delegation will:
 - a. Reflect whole-Council priorities, and a consistent approach to the risk profile of where and how decisions are sub-delegated;
 - b. Reflect the need for cross-directorate consultation on matters which affect the wider organisation;
 - c. Reflect guidance set out by the Monitoring Officer on Executive decision-making arrangements;
 - d. Set out the scope of the sub-delegation with reference to the source of the legal power to which it relates;
 - e. Set out the Executive Director to which the original delegation relates;
 - f. Set out the furthest that the decision-making power may be onwardly delegated (if at all). For example in respect of licensing decision-making, certain decisions may be made by the Licensing Manager but not by a Licensing Officer;
 - g. Set out the qualifications or other characteristics that the person to whom a power is delegated must possess, whether required by law or reflecting arrangements put in place by the Council (where necessary).
14. Schemes for sub-delegation should be completed on a template produced by the Monitoring Officer, and should be regularly reviewed by the relevant Executive Director to ensure their ongoing adequacy.
15. Decisions cannot be made by anyone other than the Executive Director set out in this Scheme unless the officer in question has made sub-delegation arrangements that comply with these requirements.

16. Sub-delegation does not abrogate the responsibility of the officer specified in this Scheme (usually the Executive Director) for the proper carrying-out of the delegated power in question.
17. Decisions made under these arrangements must be recorded and reported as set out in subsection H.

Arrangements for reference of sub-delegated decisions back to Executive Directors (and to Cabinet)

18. On occasion, it may be necessary for a decision, ordinarily taken under sub-delegated powers, to be referred back to the relevant Executive Director. This should happen only under exceptional circumstances, although it will be usual for officers to more informally engage with their Executive Directors on decision-making matters.
19. The officer to which decision-making authority has been sub-delegated should consider the need for a surrender of their powers to make a specific sub-delegated decision based on consideration of the following factors:
 - a. The likely impact, to the Council and the wider community, of the decision;
 - b. The risks attached to the decision, which may include the risks attached to options considered but not taken forward;
 - c. The presence of a conflict of interest on the part of the decision-maker;
 - d. The degree of political contention associated with the decision.
20. Similar circumstances may apply to a decision by an Executive Director to refer a decision to Cabinet. In this case, the advice of the Monitoring Officer should be sought.
21. In considering options on these issues, Executive Directors will need to consider that certain functions are conferred, through the designation of proper officer functions, directly onto more junior staff. The exercise of those functions, having not been "sub-delegated", cannot therefore be referred to the Executive Director or Cabinet. Similarly, proper officer functions granted to Executive Directors by legislation cannot be referred to Cabinet for decision. For this reason, officers should always be aware of the source and scope of their powers.

6.8: Recording and reporting of delegated decisions

1. Executive Decisions made under delegated powers shall be recorded, and reported, consistently in the form of a Delegated Decision Notice (DDN). Decisions made under powers delegated by Council shall be similarly recorded and reported. Decisions for which DDNs are required will be those set out in the Scheme of Officer Delegation.
2. The Monitoring Officer will set out rules for the preparation of DDNs, and arrangements for their storage. Responsibility for the production of DDNs, and their quality assurance, will sit with Executive Directors subject to rules set by the Monitoring Officer.
3. Where decisions are made by officers who have been designated as the "proper officer", by Council or directly by legislation, the requirements to record and report those decisions may be different depending on the nature of the power being exercised.

4. Those exercising these powers will need to satisfy themselves, subject to the advice of the Monitoring Officer, that they are meeting any such requirements when they make decisions using those powers.

6.9: Arrangements for Councillor and officer assurance and oversight

1. The Council will make, and maintain, systems to ensure that the operation of the Officer Scheme of Delegation is kept under active review. There are four continuing levels to this review:
 - a. By chief officers, in respect of decisions made under delegated powers
 - b. By the Monitoring Officer
 - c. By the Constitution Review Working Group, and the General Purposes Committee;
 - d. By Council formally
2. This review activity and its outcomes will be reflected in the content of the Council's Annual Governance Statement.

6.10: Legal scope of delegations

1. By this Scheme and subject to the any relevant legal limitations, the Council delegates and authorises the officers identified in this Part xx and any officers acting in their place following the sub-delegation arrangements set out in xx:
 - a. to exercise the powers specified;
 - b. to exercise any of the Council's functions in an emergency;
2. And authorises any other officers identified under arrangements made by the Council or Cabinet or any committee further to section 101 (2) of the Local Government Act 1972 or section 15 the Local Government Act 2000 to exercise the powers specified in relation to the appropriate officers in those arrangements.
3. Any reference in the Schedule to any Act of Parliament or to any part of any Act is deemed to include a reference to any other Act or Acts or parts thereof which may consolidate, re-enact, replace or supplement that Act.
4. Any post specifically referred to shall be deemed to include any successor or replacement post or a post which includes within its remit elements relevant to any particular delegation, which were also present in the earlier post and shall include anyone acting up or seconded or discharging the functions of the post on an interim basis.

6.11: The Schedule to this Scheme of Delegation

1. The Schedule to this Scheme of Delegation provides further details of the powers delegated to officers and will be updated by the Monitoring Officer from time to time. It comprises the following sections:
 - A. Responsibilities Allocated to Chief Officers**
 - B. Responsibilities Allocated to Deputy Chief Officers**
 - C. Heads of Service**

- D. Proper Officer functions**
- E. Nominated or authorised officers**
- F. Non-Executive Functions**
- G. Contracted Out Functions (these schedules are maintained by each Executive Director)**
- H. Specific Delegations to Officers and Others (these schedules are maintained by each Executive Director)**

TABLE 1: ALL CHIEF OFFICERS

| Power held by | Brief description of power | Source of the power |
|----------------|---|--------------------------|
| | ALL CHIEF OFFICERS (NB: AS INDIVIDUALS IN RESPECT OF THEIR OWN SERVICE, AND NOT COLLECTIVELY) | |
| Chief Officers | Officers referred to in Part 7 (Management Structure) or by title within this Part 8 or any successor subsequent to any re-organisation and any officers acting in their place are authorised to exercise the powers of the Council (both Executive and non-Executive functions) relating to their areas of responsibility as set out in Part xx of this Constitution including professional and managerial functions relating to his/her service subject to the limitations and reservations of this Scheme | <u>Leader delegation</u> |
| Chief Officers | <p>In respect of employment matters, and subject to the power held by the Chief Executive as Head of Paid Service:</p> <ul style="list-style-type: none"> • Implement, in the areas for which they are responsible, corporate personnel policies and nationally and locally determined conditions of service adopted by the Council; • Within the services for which they are responsible appoint staff (and approve changes to the number and distribution of posts, and to grading taking account of job evaluation outcomes subject to the proposed maximum grade being Band 14 or equivalent) within structures and budgets approved by the Council and the Cabinet where Procedure Rules allow and exercise control and discipline and dismissal in accordance with the Council's agreed policies and personnel procedures; • Make agreements with other organisations for placing of staff at the disposal of other organisations, (eg through secondment or joint working arrangements) on advice from the Service Director (Enabling). | |
| Chief Officers | Give instructions to institute proceedings either in the name of the Council or in the name of an officer under those statutory provisions which relate to their respective service areas, in consultation with the Monitoring Officer. | Leader delegation |

| Power held by | Brief description of power | Source of the power |
|----------------|--|--|
| Chief Officers | <p>Recommend to the Chief Executive the amendment of fees and charges within a year from that agreed by Full Council's Charging Policy but only where:</p> <ul style="list-style-type: none"> • Such arrangements follow the principles set out in the approved Charging Policy; • Any proposed changes are approved in line with the Council's Virement Rules (where financial thresholds are met). • It is subject to consultation with the Cabinet Member for the relevant service area and with the Monitoring Officer. | Cabinet delegation |
| Chief Officers | <p>Act on behalf of the Council in respect of the service area for which he /she is responsible and exercise day to day management of services, staff and resources under the control of the relevant Chief Officer subject to the considerations set out in the Introduction above and this scheme of delegation This includes:</p> <ul style="list-style-type: none"> • the acquisition of assets and services necessary for this day to day management performance of the Council's business or fulfilment of any matter authorised by Cabinet for which a budget has been approved. • Maintaining the operation and effectiveness of services; • Implementing decisions (including policy decisions) taken by the Council and Cabinet | <p>Full Council (subject to the approved budget and policy framework)</p> <p>Executive (subject to the need to resource and implemented Cabinet decisions)</p> <p>Delegation from the Head of Paid Service</p> |
| Chief Officers | Enter into agreements for the provision of services to third parties and make charges | <p>Full Council, Cabinet (depending on the services in question)</p> <p>Subject to consultation with the relevant Cabinet Member and advice from the Monitoring Officer</p> |
| Chief Officers | Authorise staff to exercise such powers of entry, inspection and survey of land buildings or premises and issue any necessary evidence or authority as may be appropriate to the execution of their duties and in respect of which they have statutory powers | |
| Chief Officers | Designate another officer to carry out powers delegated through this Scheme, subject to the law and to separate arrangements for sub-delegation. | |

TABLE 2: PRINCIPAL STATUTORY OFFICERS AND DEPUTY CHIEF EXECUTIVE

- HEAD OF PAID SERVICE / CHIEF EXECUTIVE
- CHIEF FINANCE OFFICER / s151 OFFICER
- MONITORING OFFICER
- DEPUTY CHIEF EXECUTIVE

| Power held by | Brief description of power | Source of the power |
|-----------------|---|--|
| | CHIEF EXECUTIVE | |
| Chief Executive | Exercise functions of Head of Paid Service (undertaking the general management of the Authority) | Section 4, Local Government and Housing Act 1989 (PO) |
| Chief Executive | Exercise any function in legislation which is described as the duty of the "Clerk", in respect of legislation before October 1972 | (designation as "proper officer" in various pre-1972 legislative provisions) |
| Chief Executive | <p>Exercise functions as Head of Paid Service:</p> <ul style="list-style-type: none"> • to approve the grading and regrading of posts subject to NJC to Local Government Services, Soulbury and Youth and Community Worker Conditions of Service) where the proposed maximum grade is [xxx] or above (or equivalent). • to approve the original grading of individual posts, (subject to JNC Chief Officer Conditions) and regradings of such posts providing that the proposed grading is no more than one grade higher (or lower) than the current grade • to approve the composition of a panel established by the Monitoring Officer to deal with disciplinary, grading or other issues; • to approve significant variations to existing corporate personnel policies and locally adopted conditions of service in relation to all national negotiating bodies prior to consultation taking place with Trades Unions, except where the financial or policy implications across the Council require the matter to be referred to the Cabinet; • To adopt new corporate personnel policies and exercise any discretions available in national agreements, in relation to all national negotiating bodies, except where the financial and policy implications across the Council require the matter to be referred to the Cabinet. <p>This Scheme sets out where the Chief Executive shall delegate responsibility for management of staff and services to Service Directors.</p> | As above |
| Chief Executive | Maintain a list of politically restricted posts and determine applications for exemption from the list (in consultation with the Deputy Chief-Executive | Local Government and Housing Act 1989 (PO) |

| Power held by | Brief description of power | Source of the power |
|--------------------|---|--|
| Monitoring Officer | Carry out formal duties relating to councillors, including: <ul style="list-style-type: none"> • Witness and receipt of declaration of acceptance of office (s83) • Receipt of notice of resignation by councillor (s84) • Declaration of any vacancy of office (s86) • Convening a meeting of Council to fill casual vacancy in office of Chairperson (s88(2)) • Receipt of notice of casual vacancy from two local government electors (s89(1)(b)) • Implement changes to appointments to outside bodies on direction from the Leader of the Council • Approve nominations received for the filling of coopted member vacancies on committees and panels in consultation with the relevant Cabinet Member and/or chair where relevant. | Local Government Act 1972 (PO) |
| Chief Executive | Exercise emergency powers, including authorising the incurring of expenditure where there is no specific provision in the budget set by the Council for this to be done (subject to the views of the Chief Finance Officer and rules relating to emergency decision-making). | Section 138, Local Government Act 1972 (PO) |
| Monitoring Officer | Appoint such independent persons to Appeals Committees or Panels as required by law or in his/her discretion appears appropriate, and maintain lists of such persons for such purposes. | Various sources |
| Monitoring Officer | Appoint the Chairs of Education Admission and Exclusion Appeal Panels | Section 94, School Standards and Framework Act 1998 (FC) |
| Chief Executive | Issue licences or control any registration of persons or premises on behalf of the Council under any legislation, save to the extent that this power is specifically delegated by this Scheme or reserved by law to a specific officer. | Various sources |
| Chief Executive | In consultation with the relevant Cabinet Member to take decisions in respect of any company where the Council has an interest as shareholder, subject to issues of a significant nature being brought to Cabinet and, if necessary, to Council. (A significant issue is a decision which is likely to result in the Council incurring expenditure, making a saving, receiving income or an increase in share value above a budget value of £500,000 as per the Council's Financial Procedure Rules). | |
| Monitoring Officer | Publish notices as required on behalf of the Council under any legislation save to the extent that this power is specifically delegated by this Scheme or reserved by law to a specific officer. | Various sources |

| Power held by | Brief description of power | Source of the power |
|---|---|--|
| Chief Executive | <p>Act as the Council's Electoral Registration Officer and Returning Officer for local elections and as Acting Returning Officer for Parliamentary elections, referendums and for other elections</p> <p>Carry out functions relating to statutory petitions</p> <p>Receive and inspect returns and declaration of election expenses, and notice of appointment of election agents.</p> <p>Including provision of accommodation for election courts and retention for inspection of election documents.</p> | <p>Representation of the People Acts (PO)</p> <p>Local Authorities (Referendums) (England) Regulations 2011</p> <p>Local Authorities (Conduct of Referendums) (England) Regulations 2012</p> |
| Chief Executive | <p>On the recommendation of the relevant Chief Officer to amend fees and charges within a year from that agreed by Full Council's Charging Policy but only where:</p> <ul style="list-style-type: none"> • Such arrangements follow the principles set out in the approved Charging Policy; • Any proposed changes are approved in line with the Council's Virement Rules (where financial thresholds are met). • It is subject to consultation with the Cabinet Member for the relevant service area. | Full Council delegation |
| SECTION 151 OFFICER / CHIEF FINANCE OFFICER (EXECUTIVE DIRECTOR RESOURCES) | | |

| Power held by | Brief description of power | Source of the power |
|---|--|--|
| Section 151 officer / Chief Finance Officer | Carry out action empowered by: <ul style="list-style-type: none"> • Any reference in any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972 or in any instrument made before the 26 October 1972 to the Treasurer or a Treasurer of a Borough which by virtue of any provision of the said Act is to be construed as a reference to the Proper Officer of the Council • Any reference in any local statutory provision to the Treasurer of a specified Council or the Treasurer of a specified Borough which, by virtue of an order made under Section 254 of the Local Government Act 1972, or the Local Government Act 1992 is to be construed as a reference to the Proper Officer of the Council | Proper Officer functions (subject to the terms of the Local Government Act 1972 which retrospectively reserved these powers) |
| Section 151 Officer / Chief Finance Officer | Carry out the responsibilities and powers of the Chief Finance Officer, including: <ul style="list-style-type: none"> • Making recommendations to the Council on: <ul style="list-style-type: none"> ○ Council Tax requirements; ○ The Council Tax base; • Managing generally all matters relating to Council Tax and Non-Domestic Rates including (where required and/or permitted by law) the awarding of discounts, relief and exemptions and the levying, collection recovery and disbursement of all sums due to the Council in respect of the same. • Maintaining the Council's Financial Procedure Rules, subject to consultation with the Monitoring Officer, as part of the Council's Constitution. | Section 151, Local Government Act 1972 (PO), Local Government Finance Act 1988, Local Government and Housing Act 1989, Local Government Act 2003 Accounts and Audit Regulations 2015 |
| Section 151 Officer / Chief Finance Officer | Ensure, and provide assurance, that public money is safeguarded, and used economically, efficiently and effectively, in line with the authority's Best Value duties. This includes: <ul style="list-style-type: none"> • The determination of financial management and accounting procedures and the form and extent of financial records; • The production and distribution of financial management information; • The maintenance of the Council's Financial Procedure Rules and Contract Procedure Rules, in conjunction with the Monitoring Officer. | Local Government Act 1999 (CF) |

| Power held by | Brief description of power | Source of the power |
|---|--|---|
| Section 151 Officer / Chief Finance Officer | Produce statutory reports and present those reports to Council: <ul style="list-style-type: none"> • Reporting to Council on the compliance with law of Cabinet’s proposed budget (and any amendments to that Budget) when tabled at Budget Council; • Reporting to Council in the event that they consider that the Council is about to incur expenditure that it unlawful; | s114, Local Government Act 1989 s25, Local Government Act 1989 |
| Section 151 Officer / Chief Finance Officer | Undertake duties relating to operational financial management including but not limited to: <ul style="list-style-type: none"> • Action on behalf of the Council in respect of financial arrangements and obligations with external bodies (including management of grant funding where the Council is the Accountable Body); • Virement (ie the transfer of sums approved for a specified purpose), in accordance with the Finance Procedure Rules; • Virement in cases of urgency, where not otherwise covered by delegated authority, subject to member consultation; • Approval of individual items of expenditure from the Council’s reserves; • Maintenance of a “carry-forward” scheme for underspends; • Approve supplementary capital votes subject to the limitations set out in the Financial Rules • Management of arrangements for supplementary revenue for items which are unavoidable (ie arise from externally-imposed legal/contractual requirements, and the obligation to deliver a balanced budget) and not inconsistent with approved budgetary policy. The above, and connected, tasks to give effect to Council’s votes on budget and finance matters, and Cabinet agreement, as appropriate. | |

| Power held by | Brief description of power | Source of the power |
|---|--|---|
| Section 151 Officer / Chief Finance Officer | Undertake duties relating to effective treasury management and asset management, including but not limited to: <ul style="list-style-type: none"> • The operation of banking arrangements; • The payment of salaries, allowances and invoices, and payments of pensions, gratuities, grants etc; • Support to the Council's functions with regard to membership of the Hampshire Pension Fund; and to exercise the Council's voting rights as a member of the National Association of Pension Fund Investment Protection Committee subject to consultation with the chair pf Pension Committee if appropriate • To collect coordinate control and administer income and monies due to the Council, and to exercise discretion conferred on the Council and administer and determine claims in respect of Council Tax, national non-domestic rates (business rates), and Housing Benefit; • Write off court costs in respect of national non domestic rates and council tax • Write off irrecoverable income if the amount owed is £100,000 or less; • The safeguarding of assets; • Maintenance of insurance arrangements. | Local Government Finance Act 1988, Local Government Finance Act 1992 Superannuation Acts (and Regulations) |
| Section 151 Officer / Chief Finance Officer | Make accounts available for inspection by councillors | Section 228(3), Local Government Act 1972 (PO) |
| Section 151 Officer / Chief Finance Officer | Make Chief Finance Officer reports | Proceeds of Crime 2002 (PO) |
| | Receive money due from officers | Section 115(2), Local Government Act 1972 (PO) |
| | Declarations and certificates with regard to securities | Section 146(1)(a) and (b), Local Government Act 1972 (PO) |
| MONITORING OFFICER - (DIRECTOR OF ASSURANCE) | | |
| Monitoring Officer | Exercise the powers and responsibilities as Monitoring Officer, and submitting reports to Council in that capacity | Section 5, Local Government and Housing Act 1989 (PO) |

| Power held by | Brief description of power | Source of the power |
|--------------------|--|---|
| Monitoring Officer | Make or authorise payment or provision of other benefits in the cases of maladministration as set out in Schedule 1 of the Functions Regulations | Local Government Act 2000 |
| Monitoring Officer | <p>Undertake duties relating to the representation of the Council on legal matters, including:</p> <ul style="list-style-type: none"> • To nominate officers/barristers/solicitors to take steps or undertake legal proceedings to secure compliance with any notice served or injunction granted to the Council by the courts; • To nominate officers/barristers/solicitors to institute, defend, act in relation to any legal proceedings instituted by, or against, the Council and where the interests of the Council require that it should be legally represented; • To authorise the settlement of any proceedings where doing so meets the best interests of the Council, in consultation with the s151 officer where there are financial implications ; • To take steps to enable or effect compliance with any Council, Cabinet or Committee resolution, including signing any relevant documentation; • To authorise representation of the Council on proceedings before the Courts in relation to authorisations for the use of investigatory powers, and to act as SRO in respect of RIPA codes of practice; • To sign contract certificates; • To authorise instructing Counsel and external solicitors on any matters relating to the Council; | <p>Section 222, 223, Local Government Act 1972 (PO)</p> <p>Section 60, County Courts Act 1984 (PO)</p> <p>Local Authorities (Contracts) Act 1997 (FC, CAB depending on the contract)</p> <p>Regulation of Investigatory Powers Act 2000</p> |
| Monitoring Officer | <p>Affix the Council's Common Seal to any document in order to give effect to any decision of the Council, Cabinet, Committee, Sub-Committee or of an officer acting under delegated powers and thereafter to attest the seal.</p> <p>Sign any documentation in order to give effect to any decision of the Council Cabinet, Committee, Sub-Committee or of an officer acting under delegated powers.</p> | Various |
| Monitoring Officer | Deposit documents further to standing orders of either House of Parliament | Section 225(1), Local Government Act 1972 (PO) |
| Monitoring Officer | Certify photographic copies of documents, authentication of documents | Section 229(5), section 234(1), Local Government Act 1972 (PO) |
| Monitoring Officer | Sign the summons to council meetings, and take notice of councillors' preferred address for summonses where not their place of residence | Section 99, Schedule 12, Local Government Act 1972 (PO) |

| Power held by | Brief description of power | Source of the power |
|--------------------|---|--|
| Monitoring Officer | Manage the system for receiving and registering councillors' declarations of interest, including handling sensitive interests and dispensations from restrictions | Sections 29-33, Localism Act 2011 |
| Monitoring Officer | Carry out functions relating to Political Groups, including: <ul style="list-style-type: none"> • Receipt of notice of changes to Groups, including notice of cessation of membership of Groups; • Take representations from Groups in respect of proportionality, and notify Groups of allocations; • Take receipt of notice (in writing) that a Councillor wishes to forego part of any entitlement or allowance. | Sections 15 et seq, Local Government and Housing Act 1989 Regulation 9 et seq, Local Government (Political Groups) Regulations 1990 |
| Monitoring Officer | Certify byelaws, and send confirmed byelaws to the proper officer of community councils to which they apply | Section 236, 238, Local Government Act 1972 (PO) |
| Monitoring Officer | Manage the formal records of the Council including: <ul style="list-style-type: none"> • Exclusion of formal reports from inspection • Supply of documents to the press • Providing a written summary where minutes would disclose exempt information • Compilation of lists of background papers • Exclusion from production to Councillors of documents disclosing exempt information (unless they are entitled to information by virtue of the "need to know" or Regulations) | Schedule 12A, s100B et seq, Local Government Act 1972 (PO) |
| Monitoring Officer | Certify copies of resolutions, minutes and other documents | |
| Monitoring Officer | Authenticate and serve statutory notices | Various sources |
| Monitoring Officer | Serve notices requiring particulars of ownership | Section 16, Local Government (Miscellaneous Provisions) Act 1976 |
| Monitoring Officer | Undertake duties in relation to the Council's compliance with legislation on information management, including transacting "s36" reviews on the use of the exemption to the requirement to provide information on the ground that it would be prejudicial to the effective conduct of public affairs | Freedom of Information Act 2000, General Data Protection Regulations |
| Monitoring Officer | Maintain the Council's Constitution to include making routine revisions providing clarity where necessary and by replacing references to any repealed, amended, consolidated or replacement primary or secondary legislation, and replacing references to job titles referred to where they are changed or restructured | Power conferred by the Constitution (FC) |

| Power held by | Brief description of power | Source of the power |
|--------------------|--|---|
| Monitoring Officer | Receive notice of a report of the Local Government and Social Care Ombudsman | Section 30(5), Local Government Act 1972 (PO) |
| Monitoring Officer | Act as local registrar for land charge matters | Land Registration Act 2002 (PO) Local Land Charges Act 1975 (PO) |

TABLE 3: OTHER STATUTORY AND NON-STATUTORY CHIEF OFFICERS

Along with the three principal statutory officers whose powers are set out above, the Council's Chief Officers are the:

- Executive Director (Children Services). This is a statutory chief officer post;
- Executive Director (Adult Services and Public Health). This is a statutory chief officer post;
- Executive Director of Place, Communities and Enterprise. This is a non-statutory chief officer post;
- Deputy Chief Executive. This is a non-statutory chief officer post.

| Power held by | Brief description of power | Source of the power |
|--------------------------------------|---|---|
| DEPUTY CHIEF EXECUTIVE | | |
| Deputy Chief Executive | Act as the Council's Senior Information Risk Owner (SIRO) | General Data Protection Regulation (PO) |
| In respect of human resources | | |
| Deputy Chief Executive | Receipt of notification to deal with objections by the Executive to appointments or dismissals of Chief Officers or their deputies | Local Authorities (Standing Orders) (England) Regulations 2001 (PO) |
| Deputy Chief Executive | Carry out tasks related to the business of the Chief Officer Employment Panel as set out in Part 5.7 of the Constitution | |
| Deputy Chief Executive | Approve minor variations to existing corporate personnel policies, and recommend substantial changes to the Chief Executive | |
| Deputy Chief Executive | Agree additional increments to individual employees based on exceptional contribution (on the recommendation of Chief Officers and subject to budgetary provision) | |
| Deputy Chief Executive | Approve requests for approval of outside interests or employment made by employees (in consultation with the Monitoring Officer) | |
| Deputy Chief Executive | Authorise the payment of honoraria to employees (excluding staff in schools and colleges) | |
| Deputy Chief Executive | Approve travel / subsistence arrangements where they are in excess of existing rules, where this is unavoidable | |
| Deputy Chief Executive | Introduce and maintain employee benefit arrangements (other than the provision of cars) | |
| Deputy Chief Executive | Review and implement conditions of service for employees further to NJC, and other, agreements, including recruitment and retention incentives | |

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| Deputy Chief Executive | Convene panels of members for hearing employee appeals on discipline, dismissal and grading, and on other matters where a member appeal panel may exceptionally be required | |
| Deputy Chief Executive | Exercise any employer pension discretions | |
| | <u>EXECUTIVE DIRECTOR ADULT SERVICES AND PUBLIC HEALTH</u> | |
| | In respect of adult social services | |
| ED Adult Services and Public Health. | Carry out the functions of Director of Adult Services, including making arrangements for the appointment of a deputy statutory officer in the absence of, incapacity of, or vacancy in, the post | Section 6, Local Authority Services Act 1970 (PO) |
| ED AS&PH | Terminate contracts funded from agreed budgets for the provision by third parties of services for adults (in consultation with the Monitoring Officer) | |
| ED AS&PH | Power to authorise officer to undertake duties as the nominated individual by the Council to undertake regulated activities | Regulation 6, Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (PO) |
| ED AS&PH | Take any lawful action on the services to be provided to an individual, or action to be taken in respect of an individual (including decisions on charging and the agreement of individual care packages) | Mental Health Act 1983, Mental Capacity Act 2005, Care Act 2014 |
| ED AS&PH | Make applications to the Court of Protection, and to undertake the role of Deputy for property and financial affairs on appointment by the Court, and to sign documents and approve paperwork as appropriate. | Mental Capacity Act 2005 |
| ED AS&PH | Exercise the role of appointeeship with the Department for Work and Pensions, and to sign documents and approve paperwork as appropriate. | Social Security (Claims and Payments) Regulations 1987 (PO) Universal Credit, Personal Independence Payment, JSA and ESA (Claims and Payments) Regulations 2013 (PO) |
| <u>ED AS&PH</u> | Exercise the Council's role as a supervisory body in respect of deprivation of liberty, including the authorisation of a Deprivation of Liberty arrangement. | Mental Capacity Act 2005 |
| <u>ED AS&PH</u> | Approval of paperwork for Court of Protection orders | Mental Capacity Act 2005 |

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| ED AS&PH | Approval and signing of paperwork relating to: <ul style="list-style-type: none"> • Applications for access to bank accounts, private pensions and stocks and shares; • Sale of property and house clearances; • Confirmation of changes in details; • Reports to the Office of the Public Guardian | Mental Capacity Act 2005 Lasting Powers of Attorney, Enduring Powers of Attorney and Public Guardian Regulations 2007 |
| ED AS&PH | Accept a guardianship application and make an associated order for discharge subject to guardianship | Mental Health Act 1983 |
| ED AS&PH | Deal with complaints arising from the Council's adult social care functions | The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 |
| | PUBLIC HEALTH | |
| ED AS&PH | Hold the statutory role for the Council as person appointed as the Director of Public Health | Section 73A, National Health Service Act 2006 |
| ED AS&PH | In relation to the above, develop and direct the Council's work with regard to: <ul style="list-style-type: none"> • Public health intelligence • Health improvement • Health protection including emergency planning for public health • Wider determinants of health • Public health commissioning • Provision of advice to the NHS | |
| ED AS&PH | Certify resolutions applying or disapplying provisions under the Public Health Acts | Schedule 14 Para 25, Local Government Act 1972 (PO) |
| ED AS&PH | Carry out duties relating to notifiable diseases: <ul style="list-style-type: none"> • Supply of forms to doctors, and prepare certificates for Justices of the Peace, for purposes of removal of bodies to mortuaries and burial, and connected purposes • Receipt and disclosure of notification of suspected notifiable disease, infection or contamination • Power to enter premises • Signature / authentication of notices, orders etc | Public Health (Control of Diseases) Act 1984 (PO) Heath Protection (Notification) Regulations 2010 (PO) |
| ED AS&PH | Act as the Caldicott Guardian | Statutory guidance issued under the Health and Social Care (National Data Guardians) Act 2018 |
| | EXECUTIVE DIRECTOR OF CHILDREN SERVICES | |

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| ED CS | Carry out the statutory duties relating to the Director of Children's Services | Section 18, Children Act 2004 |
| ED CS | Carry out the Council's education functions as a local authority (except those excluded by law) | |
| ED CS | Carry out the Council's functions relating to children's social services within the meaning of the Local Authorities | |
| ED CS | Approve the convening of a secure accommodation panel | |
| ED CS | Approve the placement of a child or young person out of county | Care Planning, Placement and Case Review (England) Regulations 2010 |
| ED CS | <p>Actions in relation to children looked after, including:</p> <ul style="list-style-type: none"> • Approval of a request for a LAC to join the Armed Forces • Deciding to cease looking after a 16 or 17 year old person looked after by virtue of a Care Order • Notification to Ofsted and the Secretary of State following the death of a child looked after / serious harm to a child looked after in a children's home or foster care • Notification to Ofsted of a serious case review • Placement of a child with an (interim) care order with parents or persons with parental responsibility • Agreement of any stay with parent(s) for more than 24 hours • Approval of short or long term external residential placements • Approval of unregulated provision • Agreement to authorise absence from education • Agreement that a child can remain in residential placement on attainment of the age of 18 • Carry out assessments and pathway plans in respect of care leavers | |
| ED CS | Provide financial assessment to children in need in the area | Section 17, Children Act 1989 |
| ED CS | Authorise statutory penalty notices for court proceedings in respect of non-attendance at school | Section 444, Education Act 1996 |
| ED CS | Act as or designate responsible individual for carrying on a children's home | Regulation 26, Children's Homes (England) Regulations 2015 |
| ED CS | Designate manager for children's home(s) | Regulation 27, Children's Homes (England) Regulations 2015 |
| ED CS | Appointment of Independent Reviewing Officers to children's services files | Children Act 1989 |
| | EXECUTIVE DIRECTOR PLACE, COMMUNITIES & ENTERPRISE | |

| | <p><u>IN RESPECT OF LICENSING</u></p> <p>Note: powers set out in this section should be interpreted in conjunction with the Licensing Procedure Rules</p> | |
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| ED PCE | <p>Exercise licensing functions including:</p> <ul style="list-style-type: none"> • regulation of activities involving animals (excluding dangerous wild animals and those in zoos) – excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of activities involving dangerous wild animals excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of caravan sites, moveable dwellings and camping sites (including arrangements for site managers to be fit and proper persons) excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of Mobile Homes - arrangements for site managers to be fit and proper persons excluding final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee • regulation of the distribution of free printed material, save for: <ul style="list-style-type: none"> • Designation by Order of land for the purposes of Schedule 3A of the EPA 1990 and revocation of any such order which is a matter for Strategic Licensing Committee; and Final approval of the Litter Authority Policy Statement which is a matter for Cabinet • regulation of licensing for storing explosives, save for: <ul style="list-style-type: none"> - Final approval of the Local Authority Policy Statement which is a matter for Cabinet; - Fee setting which is matter for Strategic Licensing Committee; - Applications for Local Authority Assent where representations received and not withdrawn; which are matters for Licensing and Safety Sub-committee - Decisions to vary or revoke licences, where representations received and not withdrawn which are matters matter for Licensing and Safety Sub-committee; - Decisions to refuse, renew or transfer licences where representations received and not withdrawn which are matters matter for Licensing and Safety Sub-committee; • licensing of premises for gambling save for: <ul style="list-style-type: none"> • Final approval of the Licensing Authority Policy Statement which is a matter for Council; • Policy not to permit casinos and fee setting which are matters for Cabinet; | <p>Dangerous Wild Animals Act 1976</p> <p>Animal Welfare Act 2006</p> <p>The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018</p> <p>Caravan Sites and Control of Development Act 1960</p> <p>Public Health Act 1936</p> <p>Mobile Homes Act 2013</p> <p>The Mobile Homes (Site Licensing) (England) Regulations 2014</p> <p>Environmental Protection Act 1990</p> <p>The Explosives Regulations 2014</p> <p>Fireworks Regulations 2014</p> <p>Gambling Act 2005</p> <p>Town Police Clauses Act 1847</p> <p>Local Government (Miscellaneous Provisions) Act 1976</p> <p>The Taxi and Private Hire Vehicle (Safeguarding and Road Safety) Act 2022</p> |

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| | <ul style="list-style-type: none"> • Applications for premises license, to vary, or transfer licenses, <p>applications for a Provisional Statement, where representations are received and not withdrawn; Review of a premises licence, Application for club gaming/club machine permits where objections are made and not withdrawn, Cancellation of club /club machine permits, Decision to give a counter notice to a temporary use notice which are matters for Licensing Act Sub-Committee.</p> <ul style="list-style-type: none"> • licensing of Hackney Carriage and private hire drivers, operators and vehicles save for final approval of the Local Policy Statement and Fee setting which are matters for Strategic Licensing Committee • licensing of house-to-house collections save for final approval of the LA Policy statement which is a matter for Strategic Licensing Committee • licensing of personal and premises licenses (including licensing of temporary events and power to appoint a sub-committee of 3 Members from the membership of the Strategic Licensing Committee for the purposes of determining the applications under the Licensing Act 2003) , save for: <p>-final approval of the Licensing authority policy statement which is matter for Council; -Fee setting which is a matter for Cabinet; -Matters for Licensing Act sub-committee as follows:</p> <ul style="list-style-type: none"> • Personal licence with no convictions or spent convictions if a police objection is made, • Personal Licence with unspent convictions, • Application for Premises Licence/Club Premises Certificate if relevant representation is made and not withdrawn, • Application for a provisional statement if a relevant representation is made and not withdrawn, • Application to vary a premises licence/club premises certificate if a relevant representation is made and not withdrawn, • Application to vary designated premises supervisor if a police objection is made, • Application for transfer of premises licence if a police objection is made, • Application for interim authority if a police objection is made, • Application to review premises licence/club premises certificate, • Decision to object when Licensing Authority is consultee only, | <p>The House to House Collections Act 1939 House Collections Regulations 1947 Licensing Act 2003 The Business and Planning Act 2020 Scrap Metal Dealers Act 2013 Local Government (Miscellaneous Provisions) Act 1982 Policing and Crime Act 2009 Charities Act 1992 Police, Factories &c (Miscellaneous Provisions) Act 1916 Zoo Licensing Act 1981</p> |
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| | <ul style="list-style-type: none"> • Determination of objections to temporary event notice, • Determination of application to vary premises licence at community premises to include alternative licence condition if a police objection is made, • Revocation of personal licence under s124 LA 2003 if police, or Secretary of State (immigration) objection notice is made and not withdrawn, • Revocation and suspension of personal licence under s132A Licensing Act 2003, • pavement licensing save for final approval of LA policy statement and fee setting which are matters for the Licensing Committee • licensing for scrap metal (collection and sites) save for final approval of LA policy statement which is a matter for Cabinet and fee setting which is a matter for Licensing Committee • licensing of sex establishments save for <ol style="list-style-type: none"> 1. Applications for new, renewal or transfer of sex establishment licence where observations and /or objections are received and not withdrawn, 2. final approval of the LA policy statement, fee setting and prescribing standard conditions on a sex establishment licence which are matters for Licensing Committee, 3. revoking an existing sex establishment licence and applications to waive the requirement of a sex establishment licence, which are matters for Licensing Committee • registration of persons and premises to carry out skin piercing and other temporary / semi-permanent cosmetic procedures (Acupuncture, Tattooing, Semi-permanent skin colouring, Cosmetic Piercing and Electrolysis) save for final approval of LA policy statement and fees setting which are matters for Strategic Licensing Committee. • licensing of street collections save for Approval of the proposed Regulations under Police, Factories, & c. (Miscellaneous Provisions) Act 1916 for confirmation by the Secretary of State or the Minister for the Cabinet Office which is a matter for Strategic Licensing Committee • licensing of street trading save for; <ul style="list-style-type: none"> - final approval of LA policy statement and fee setting which are matters for Strategic Licensing Committee | |
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| | <p>- applications for new or renewal of licence, specifying principle and subsidiary terms of the licence, and revocation of a licence, where representations are made and not withdrawn which are matters for Licensing Committee</p> <ul style="list-style-type: none"> • licensing of zoos save for • final approval of LA policy statement and fee setting which are matters for Licensing Committee <p>Application for new licences where representations are received and not withdrawn which is a matter for Licensing Committee</p> | |
| | IN RESPECT OF COMMONS / TOWN AND VILLAGE GREENS | |
| ED PCE | <p>Undertake duties relating to the registration of land as a town or village green as set out:</p> <ol style="list-style-type: none"> a. To sanction the withdrawal of an application to register land as a town or village green where there are no objections to such a withdrawal. b. To determine whether an application to register land as a town or village green is duly made in accordance with the relevant regulations. c. To advertise applications to register land as town or village greens that are deemed duly made in accordance with the relevant regulations. | Section 15, Commons Act 2006 |
| ED PCE | To determine applications for the apportionments of rights of common in the Register of Common Land. | Commons Act 2006 |
| | WASTE SERVICES | |
| ED PCE | <p>Waste: making and retention of controlled waste related documents and the furnishing of documents fixed penalty notices for offences relating to EPA 1990 Sections 34 (5) and (6), 46, 47, 47ZA provision of adequate receptacles for waste (household, commercial, industrial)</p> | |
| | COMMUNITY PROTECTION | |
| ED PCE | Anti-social behaviour and community protection including administration and enforcement of Community Protection Notices, and Public Space Protection Orders | |
| | PLANNING AND BUILDING CONTROL | |
| ED PCE | <p>Determination of all planning matters as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 with the exception of the following which shall be determined by the relevant committee:</p> <ul style="list-style-type: none"> • Applications made, by or on behalf of, or relating to the property of Members or officers of the Council who hold politically restricted posts or who either directly or indirectly report to the Planning Services Manager or the Policy and Environment Service Manager, | <p>Town and Country Planning Act 1990</p> <p>Planning (Hazardous Substances) Act 1990</p> <p>Planning (Listed Buildings and Conservation Areas) Act</p> |

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| | <ul style="list-style-type: none"> • Applications made by the Council, or in relation to land owned by the Council, which are not in-line with statutory functions (this would mean that class room extensions etc were delegated to officers but speculative proposals on council owned land would not be) • Applications accompanied by a Schedule 1 Environmental Statement • Complex or major applications which in the view of the Director of Legal and Governance or the Planning Services Manager after consultation with the committee chairman or vice chairman should be determined by the relevant Planning Committee <p>Member call-in</p> <ul style="list-style-type: none"> • Applications requested to be referred, by the Local Member, to the relevant Planning Committee within 21 days of electronic notification of the application and agreed by the Planning Services Manager or Team Manager (Planning) after consultation with the committee chairman or vice chairman to be based on material planning reasons. A Practice Note is available in relation to “material planning considerations” <p><u>Consultee Objections</u></p> <p>· Ability to proceed to determine under delegated powers applications where a statutory consultee may object to a proposal providing that the development remains in accordance with the provisions of the Development Plan.</p> <p><u>Enforcement</u></p> <p>· Ability to authorise entry to land and property</p> <p>· Ability to issue Planning Contravention Notices, Breach Of Condition Notices, Enforcement Notices, Temporary Stop Notices, Stop Notices, Section 215 Notices, Listed Building Enforcement Notices, Conservation Area Notices, Discontinuance Notices in respect of advertisements, Building Preservation Notices, Notices under Section 330 requiring information as to interests in land and other remedial action as set out in the Planning Compliance policy.</p> <p><u>Trees / Hedgerows</u></p> <p>· To make and confirm Tree Preservation Orders, Tree Replacement Notices, Hedgerow Replacement Notices, Hedgerow Retention Notices and to determine applications to carry out works to protected trees including trees in Conservation Areas and hedgerows and to provide replacement trees and hedgerows.</p> <p>· To deal with all matters relating to complaints regarding high hedges</p> <p><u>Appeals</u></p> <p>To respond to all appeals on planning matters</p> <p>· To refuse to determine applications where an appeal for the same development has been refused within the 2 years</p> <p><u>Planning Obligations</u></p> | <p>Environment Act 2021</p> <p>Town and Country Planning Act 1971</p> <p>Anti-social Behaviour Act 2003</p> |
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| | <p>To require planning obligations without referral to committee</p> <ul style="list-style-type: none"> · To discharge planning obligations under Section 52 Town and Country Planning Act 1971 or Section 106 Town and Country Planning Act 1990 and to vary or modify Section 52 Agreements as required. · To approve release of contribution money to third parties | |
| ED PCE | <p>Responsible for exercising the Council's Building Control service to include:</p> <ul style="list-style-type: none"> • Approval, conditional approval and rejection of applications, notices, commencement of legal proceedings, signing and service of notices and issuing formal cautions, • Staffing and supplies of goods and services • Authorisation of staff: to serve notices requiring particulars of ownership; to exercise powers of entry to land/property for the purposes of inspection, enforcement, surveying, testing and sampling as provided in the relevant legislation, to swear affidavits in any court proceedings; to determine and negotiate fees and charges for building regulation applications and notices; • Hire of plant and specialist sub-contractors • Sale of surplus materials, equipment and goods • Assess, determine and publish building control fees and charges after conjunction with Section 151 Officer and consultation with Cabinet Member • Provision of fee earning services beyond the scope of Building Regulations, with in Local Government Goods and Services Act • Entry into partnerships and determine building regulation applications under the LABC Partnership Scheme • Carry out Council building control functions • Act as Appointing Officer for determination of Party Wall Act matters • Emergency action in respect of dangerous structures | <p>Building Act 1984 (PO) Building Regulations Local Government Goods and Services Act 1970 Local Government (Miscellaneous Provisions) Acts 1976 and 1982 Party Wall Act 1996</p> |
| ED PCE | <p>Act on behalf of the Council in its role as the Community Infrastructure Levy charging authority in the day to day implementation of the Community Infrastructure Levy in accordance with the Community Infrastructure Regulations</p> | <p>Community Infrastructure Levy Community Infrastructure Regulations 2010</p> |
| TRANSPORT AND INFRASTRUCTURE | | |
| ED PCE | <p>Make arrangements for highways management and appointment of Traffic Manager</p> | <p>Traffic Management Act 2004 (PO)</p> |
| ED PCE | <p>Functions relating to highways and rights of way</p> | |

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| ED PCE | Management and enforcement in relation to traffic and highways to include signing and serving notices in respect of contraventions | Highways Act 1980, (PO) Traffic Management Act 2004 (PO) New Roads and Street Works Act 1991 (PO) |
| ED PCE | To serve notices requiring particulars of ownership | s16 Local Government (Miscellaneous) Provisions Act 1976 |
| ED PCE | Advertise road traffic orders Make traffic orders or parts of orders where no objections received to the order or part Make traffic orders where objections received but on due consideration they are considered to be frivolous or irrelevant, not of a complex nature and/or of only local significance, the making of other orders being a matter for Cabinet Make minor modifications to traffic orders before it is made including to address any objections received | Road Traffic Regulation Act 1984 |
| ED PCE | Receive certificates approving dedication of highways to be maintained at public expense; power to adopt highway by agreement Making certificates available for inspection | Section 37(5), 38, Highways Act (PO) |
| ED PCE | Carry out duties in relation to streetworks in private streets, including certification of documents giving details of any amendments to costs, provisional and final apportionment of costs | Section 205, 210 et seq, Highways Act 1980 (PO) |
| ED PCE | Agree the execution of streetworks | Section 278, Highways Act 1980 (PO) |
| ED PCE | Issue notice requiring owners to remove materials from streets in which works are due to take place | Section 295, Highways Act 1980 (PO) |
| ED PCE | Sign and authenticate notices, consents and other documents | Section 321, Highways Act 1980 (PO) |
| ED PCE | Land Drainage | |
| ED PCE | Carry out duties in respect of Land Drainage to include signing and serving notices in respect of contraventions | Land Drainage Act 1991 |
| ED PCE | Highways and Environmental Maintenance | |
| ED PCE | Carry out duties in respect of highways, environmental maintenance (to include the enforcement of local bylaws) and parking enforcement generally for the areas for which they are responsible to include: | |

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| | <ul style="list-style-type: none"> • Discharging the powers, duties and responsibilities of the Council; • Appointing, designating and authorising officers; • Authorising the institution and defence of proceedings | |
| ED PCE | Civil enforcement of Traffic Contraventions and Blue Badge scheme | Traffic Management Act 2004 Chronically Sick and Disabled Persons Act 1970 |
| ED PCE | Littering to include fixed penalty notices and dealing with the unauthorised distribution of free printed matter | Sections 87,88, Schedule 3A Environmental Protection Act 1990 |
| ED PCE | Abandoned Vehicles/Fly-Tipping: Abandoned motor vehicles, and related items, unauthorised/harmful depositing of waste, transportation of controlled waste without registering, to include removal of such waste, and issue of fixed penalty notices for contraventions | Refuse Disposal (Amenity) Act 1978 Environmental Protection Act 1990 Control of Pollution (Amendment) Act 1989 |
| ED PCE | Fly-Posting/Graffiti: displaying advertisements in contravention of regulations obliterating traffic signs including signposts erected or placed along a footpath, bridleway, restricted byway or byway painting or otherwise inscribing or affixing marks on the surface of or on any structures in or on the highway Section destroying or damaging property as it relates to the painting or writing on, or the soiling, marking or other defacing of, any property by whatever means to include issuing penalty notices for relevant offences relating to graffiti and fly-posting | Town and Country Planning Act 1990 – s224 Highways Act 1980 s131, s132 Criminal Damage Act 1971 Anti-Social Behaviour Act 2003 – s44 |
| ED PCE | Nuisance parking; Exposing vehicles for sale on a road Repairing vehicles on a road, Nuisance parking To include issuing fixed penalty notice | Clean Neighbourhoods and Environment Act 2005 |
| ED PCE | Pavement permits: administration and enforcement of permission to use the highway - insofar as it relates to the use of the highway where no pavement permit has been sought or granted | Highways Act 1980 |
| | <u>IN RESPECT OF PROPERTY AND ESTATES</u> (these powers to be exercised in conjunction with the Chief Finance Officer) | |
| ED PCE | Authorise repairs, appointment of agents and applications for planning permission, in connection with the sale of surplus property | Cabinet |
| ED PCE | | |

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| | Agree rating assessments for Council property, and make proposals and objections to the Valuation Court | |
| ED PCE | Exercise day-to-day control over the Council's land and premises and serve all necessary notices and counter-notices | Full Council |
| ED PCE | Declare surplus and authorise terms for the acquisition or sale of property not exceeding £500,000 in value (with property of a greater value requiring Cabinet decision) | Cabinet |
| ED PCE | Approve allowances to tenants for expenditure incurred by them for repairs, drainage rates and the like. | |
| ED PCE | Settle dilapidation claims and compensation payments on the termination or surrender of hirings or lettings in accordance with relevant statutory provisions | |
| ED PCE | Take all necessary steps to recover possession of land or property, save that where such property or land is occupied by travellers, not to take such action without: <ul style="list-style-type: none"> • giving prior consideration to the educational health and welfare needs of those involved • consulting with the Cabinet Member Local Member or if they cannot be contacted, with the Leader relevant Cabinet Member. | Human Rights Act 1998, Children Act 1989, Housing Act 1985 |
| ED PCE | Authorise the granting of leases and licences whether as a Landlord or Tenant, and up to a value of £500,000 capitalised over the term or £50,000 in rental value (with leases and licenses of a greater value requiring Cabinet decision). Where the value is above this and the Chief Executive is not involved, Cabinet to decide | Cabinet |
| ED PCE | Approve the terms for the surrender of leases and licences and any pre-existing terms up to a maximum of £500,000 (with leases and licenses of a greater value requiring Cabinet decision). Where the value is above this and the Chief Executive is not involved, Cabinet to decide. | Cabinet |
| ED PCE | Submit planning applications on behalf of the Council | Council, as owner of property |
| ED PCE | | |

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| | Enter into party wall agreements with adjoining owners to Council property | Council, as owner of property |
| ED PCE | Management of industrial and commercial premises including lease renewals and rent reviews. | |
| ED PCE | Authorise the purchase at market value of land and premises included in compulsory purchase orders made by the Council or its predecessor councils, together with blight/purchase notices accepted by the Council, including payment of compensation in accordance with relevant legislation, subject to availability of funding within the Council's capital programme, or from elsewhere. | |
| ED PCE | Approve the review of rents reserved by existing leases and tenancy agreements of Council land and property at current market rental levels | |
| ED PCE | Approve assignments of the residue of leases and tenancy agreements and underleases thereof subject to the receipt of satisfactory references. | |
| ED PCE | Approve (where appropriate at the market value thereof) the modification or release of covenants contained in existing conveyances, leases, agreements and licences subject to compliance with the Council's planning or other policies and to approve the terms of any such modification or release. | |
| ED PCE | Approve the grant of easements, wayleaves, etc. over Council owned land where the annual acknowledgement to be paid does not exceed £1,000, or where a capital payment of up to £10,000 is involved. | |
| ED PCE | Approve the purchase of or agreements for easements, wayleaves, etc. necessary to fulfil Council requirements where the annual acknowledgement to be paid does not exceed £1,000 or a capital payment of £10,000 and settle subsequent claims where the total in respect of capital payments and claims does not exceed £10,000 | |
| ED PCE | Approve the appointment of professional advisers and/or agents, using any select list currently in force, and to settle any fees or | |

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| | other costs arising therefrom providing they are within budget allocations approved for this purpose. | |
| ED PCE | Authority to let and manage shops, buildings and land held under the Housing Revenue Account (including granting/refusal of wayleaves/easements/restrictive covenants; renewal of leases, and serving Notices to Quit for breach of covenant). | |
| ED PCE | Determine whether assets are listed or not as assets of community value. | Localism Act 2011 The Assets of Community Value (England) Regulations 2012 |
| ED PCE | Determine whether compensation is payable to an owner in respect of the community right to bid | Localism Act 2011 |
| ED PCE | IN RESPECT OF RIGHTS OF WAY | |
| ED PCE | Determine all rights of way matters as set out in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 save for those matters which in the discretion of the Executive Director should be referred to the relevant Planning Committee. The Local Member has the right, after consultation with the Executive Director to request that objected to Public Path Applications (under the Highways Act 1980) that are based on grounds of preference) are referred to the relevant Planning Committee. The request by the Local Member is to be made in writing within 10 days of the Local Member being notified of matters to which there have been objections. NB. For the avoidance of doubt this procedure does not apply to order applications based on evidence under the Wildlife and Countryside Act 1981. | Highways Act 1980 Wildlife and Countryside Act 1981 Countryside and Rights of Way Act 1980 |
| ED PCE | Authorise holding of trials between motor vehicles on public paths | S 33 Road Traffic Act 1988 |
| ED PCE | Authorise temporary stopping up of highways for mineral workings | S261 Town and Country Planning Act 1990 |
| ED PCE | Actions in respect of the diversion of public paths arising from the grant of planning approval | Town and Country Planning Act 1990 |
| ED PCE | To serve notices requiring particulars of ownership | s16 Local Government (Miscellaneous) Provisions Act 1976 |
| ED PCE | | |

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| | Discharge functions relating to stray dogs | Section 149, Environmental Protection Act 1990 (PO) |
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TABLE 4: Powers conferred on others by legislation

Unless stated otherwise the individuals set out below are designated as the “proper officers” to carry out the functions listed.

| Power held by | Brief description of power | Source of the power |
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| | CONSTITUTIONAL AND ELECTORAL SERVICES | |
| Head of Constitutional and Electoral Services | Production of summaries of minutes | Section 100(c)(2), Local Government Act 1972 |
| Head of Constitutional and Electoral Services | Receipt of notices regarding addresses to which summons to meetings are to be sent | Schedule 12 Paragraph 4(3), Local Government Act 1972 |
| Head of Constitutional and Electoral Services | Certify photocopies (in respect of minutes and records of decisions) | Section 229(5), Local Government Act 1972 |
| Head of Constitutional and Electoral Services | Authenticate documents (in respect of minutes and records of decisions) | Section 234, Local Government Act 1972 |
| Head of Constitutional and Electoral Services | Keep roll of Freemen of the Borough | Section 248(2), Local Government Act 1972 |
| | SUPERINTENDENT REGISTRAR | |
| Superint. Registrar | Exercise of registration functions relating to births, marriages and deaths, and carrying on other ceremonies | Births and Deaths Registration Act 1953 Marriage Act 1949 Civil Partnership Act 2004 Registration Act 1836 Registration of Births and Deaths Regulations 1987 |
| | SCRUTINY OFFICER | |
| Statutory Scrutiny Officer Head of Constitutional and Electoral Services | To promote and support the operation of the council’s overview and scrutiny function | Local Government Act 2000 |

Part 5: Terms of Reference and Procedure Rules

Contents

Section 1 – Terms of reference for Council, Cabinet and Committees

Section 2 – Rules Applying to All Bodies

- 2.1: Interpretation
- 2.2: Suspension of rules of procedure
- 2.3: Notice and summons of meetings
- 2.4: Dates and frequency of meetings
- 2.5: Quorum
- 2.6: Support provided by constitutional officers
- 2.7: Agreement and signing of minutes, and keeping of records
- 2.8: Powers of the chair
- 2.9: Conduct
- 2.10: Members' attendance
- 2.11: Recording and broadcasting
- 2.12: Declaration of interests

Section 3 - Council Procedure Rules (including process for electing Mayor)

- 3.1: Notice and summons of meeting
- 3.2: Chair of meetings
- 3.3: Order of business at meetings
- 3.4: Variation in order of business
- 3.5: Closure of the meeting
- 3.6: Procedural motions without notice
- 3.7: Rules of debate
- 3.8: Interventions by members
- 3.9: Decision-making: general rules on voting
- 3.10: Decision-making: recorded votes by roll call
- 3.11: Business at ordinary meetings: petitions and deputations
- 3.12: Business at ordinary meetings: public questions
- 3.13: Business at ordinary meetings: late and urgent questions by the Leader of the Principal Opposition Group
- 3.15: Business at ordinary meetings: questions by members
- 3.16: Business at ordinary meetings: motions on notice
- 3.17: Business at ordinary meetings: reports from Cabinet, committees and officers
- 3.18: Business at the Budget meeting: arrangements for approval of Budget
- 3.19: Business at the Budget meeting: conflict resolution procedure
- 3.20: Annual meeting: election of Mayor and Mayor-making
- 3.21: Annual meeting: election of Leader and appointment of Cabinet
- 3.22: Annual meeting: political proportionality and appointment of committees
- 3.23: Annual meeting: continuing membership of Mayor and Deputy Mayor in election year
- 3.24: Annual meeting: granting of the Freedom of the Borough and Alderman

Section 4 – Cabinet and committee procedure rules (including committee terms of reference)

- 4.1: Additional protocols and procedures set out by the Monitoring Officer
- 4.2: All committees: attendance and participation by non-members
- 4.3: Committees of Council: appointment
- 4.4: All committees: determination of the agenda
- 4.5: All committees: order of business
- 4.6: All committees: public questions

Section 4 – Governance and Assurance Committee Procedure Rules

Section 5 – Staffing Committee Procedure Rules including Officer Employment Procedure Rules

Section 6 – Standards Sub-Committee Procedure Rules

Sections 7-12 – other committee procedure rules

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Section 1: Terms of reference

The terms of reference of Overview and Scrutiny Committees and Policy Development Committees can be found in Part 6.

In the case of subsidiary bodies of Cabinet, terms of reference and rules of procedure shall be for the Leader to determine. Arrangements with regard to these are presented in the Constitution for information and cannot be changed by Council using the Constitutional amendment procedures in Article 13.

1.1: Full Council

The terms of reference of the Full Council are set out within Article 5, Part 1, Section 3.

The Procedure Rules for Council are set out in Part 5.

1.2: The Cabinet and Executive Committees

Cabinet

The terms of reference of the Cabinet are set out within Article 4, Part 1, Section 3.

The Procedural Rules of the Cabinet are set out at Part 5.

Membership:

The Cabinet membership comprises the Leader of the Council (elected by the Full Council at the Annual Meeting in an ordinary election year) and up to 9 other Councillors appointed by the Leader. The Leader will select one of those Councillors to be the Deputy Leader of the Council.

Committees and Sub-Committees:

The Cabinet may establish Committees and Sub-Committees to carry out its functions. Members of those bodies must be Cabinet Members.

The Cabinet has established a Shareholder Reference Group and a Joint Committee with other London Boroughs, The Local London Partnership Programme.

Shareholder Reference Group

Overview

The Shareholder Reference Group (SRG) will exercise the Council's role as shareholder in any company, whether wholly or partly owned by the Council¹ (including joint ventures) for the purposes of service provision and/or trading activities. The SRG acts with the delegated authority of the Cabinet to ensure the performance of any such company is satisfactory.

Any decisions required to comply with the Council's Standing Orders will be taken by Cabinet.

Any reference to "Company" in these terms of reference is to a company where the Council is a sole or part owner of that company (a capacity which is generally defined as "Shareholder" for convenience). Capital Letters is not included as such a Company as it already has in place shareholder governance arrangements through its Borough Representative Body.

Membership

Leader of the Council (Chairperson)

Nominated Councillor

Nominated Councillor

Advisors to include:

Chief Executive

Director of Finance

Director of Assurance

Head of Business Change – Communities

The remaining members of the SRG shall be drawn from the Cabinet and appointed by the Leader. Where this is a conflict of interest, the Leader may select an alternative Cabinet Member to sit on the SRG, subject to the maximum number of three Members including the Leader.

The officers will be advisors to the SRG to provide open and strong technical advice. Additional advisors may be invited to attend the SRG as required.

Purpose

In so far as any action does not conflict with the budget and policy framework, as approved by Council from time to time, the SRG will:

1. exercise all the powers of the Council as Shareholder contained in the Companies' Shareholder Agreements, including the Reserved matters, and any powers reserved to the Council as Shareholder in the Companies' Articles of Association
2. make decisions on behalf of the Council as Shareholder in line with delegations agreed by Cabinet
3. have the power to appoint and remove directors on the boards of the Companies
4. monitor delivery of Company Business Plans, and recommend revised Business Plans to Cabinet for approval on an annual basis
5. endorse any other amendments to Company Business Plans, so long as the proposed amendments do not constitute a substantial alteration to the Business Plan(s) then in force,

¹ With the exception of Capital Letters that has separate governance arrangements in place, reflecting the large number of local authority shareholders.

- such as the acquisition of a new business, the closure of an existing one, or a change of greater than 20% to the forecast revenue, expenditure or profit of the Company
6. periodically evaluate financial and service performance of a Company
 7. determine the distribution of any surplus or the issue of any dividends from a Company
 8. consider any recommendations from Company Directors to cease trading (although other than Company insolvency, such a decision would require Cabinet approval)
 9. report to Cabinet annually or as required on the activities of the Company.
 10. review the risks associated with trading activities
 11. receive and approve the Companies' annual report and receive the Companies' annual accounts
 12. consider and approve any proposed changes to the Company's Articles of Association
 13. provide Companies with clear strategic direction and support in its role as Shareholder
 14. evaluate board effectiveness, governance and processes
 15. oversee compliance and provide assurance

The SRG will not have operational control over Companies. All decisions regarding the day-to-day operation of each Company, its business developments and commercial opportunities, staff terms and conditions and the development and implementation of its internal procedures, rest with the Directors of each Company, consistent with the memorandum and articles of association, and its approved business plans.

Relationship to Company Directors

Whilst the SRG oversees the strategic direction of Redbridge Companies and exercises the Council's powers as the Company owner, Company Directors have their own specific legal duties which are separate from the SRG and should not be controlled by the SRG. In board terms these are:

- Making the appropriate statutory filings to Companies House
- Following the Company's constitution and Articles of Association
- Promoting the success of the Company
- Exercising independent judgement
- Exercising reasonable care, skill and diligence
- Avoiding conflicts of interest
- Not accepting third party benefits that could create a conflict of interest
- Declaring interest in any relevant transactions

The SRG should not seek to encourage or compel Company Directors to breach any of these, or other, statutory duties of Directors. Doing so can be considered in law to be acting as a 'shadow director' and may leave members of the SRG with the same liabilities as Company Directors.

Relationship to Cabinet

The delegated authority given by Cabinet to the SRG, as a committee of Cabinet, is set out above.

The functions that would remain with Cabinet would be in broad terms:

1. Approval of Company business plans, and any substantial alteration to a Company business plan, for example acquiring a new business or closing one down, where it is not ancillary to the core business, or a substantial deviation to the agreed financial metrics;
2. Acquiring shares in any Company or interest, including limiting liability partnership or limited partnership, entering into a joint venture or profit sharing;
3. Approving significant investment outside of any agreed business plan.

To note that the SRG will submit an annual report from each Company to Cabinet for information and

will submit an annual Business Plan annually to Cabinet for approval.

Relationship to scrutiny

Scrutiny Committees will retain their scrutiny function in relation to the SRG. The Council's Overview and Scrutiny Committee will be able to call the SRG to account for progress in relation to any Company for which the Council is a Shareholder and any returns it is making.

Scope

In respect of Teckal-compliant Companies

The SRG will:

1. Monitor Teckal compliance at least annually.
2. Ensure the Business Plan of a Teckal compliant Company is aligned to the corporate objects of the Council.

For wholly Council-owned Companies that trade predominantly with third parties

The SRG will also:

1. Seek to achieve appropriate returns on investment from trading activities.
2. Ensure trading activities are conducted in accordance with the values of the Council.

In respect of any shareholding and/or joint ventures

The SRG will:

1. Evaluate the return and benefits of the shareholding against the values of the Council.
2. Where appropriate, exercise influence over the Company and/or joint ventures in accordance with the values of the Council.

Operation of the SRG

1. Cabinet has delegated to the SRG the authority to take decisions in respect of 100% of the Council's shareholding in any Company subject to the limits of the delegations above.
2. The SRG will meet quarterly, or as required. Meetings may be held virtually.
3. The quorum for a meeting of the SRG is a minimum of 2 members, and decisions are carried by majority vote.
4. The SRG may take decisions in cases of urgency, by being called at short notice under the powers in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012/2089 in accordance with the general exemption or special urgency powers; alternatively, by the Leader. Any such decisions should be recorded and minuted and subsequently be included on the formal agenda of the next scheduled SRG.
5. Any decisions made by the SRG in accordance with 4 above, must be notified to the relevant Company directors as soon as reasonably practicable following such decision being taken.
6. The SRG may exercise all the shareholder powers in the Companies' Shareholder Agreements unless reserved to the Cabinet.
7. The Chair approves the agenda for each meeting. The agenda and papers for consideration are circulated at least five clear days before the meeting. After each meeting the Chair approves the meeting notes and actions.
8. The SRG will review the Terms of Reference annually and recommend any proposed changes to Cabinet.

Local London Partnership Programme (LLPP) Joint Committee

1. Committee Form and Structure

Committee Scope

- 1.1 The purpose of the LLPP Joint Committee is to discharge executive functions on behalf of the Local London Members in so far as they relate to joint activities or areas of common concern to the LLPP.
- 1.2 Local London Members may opt out of joint activities. The LLPP Joint Committee is free to agree that one or more but less than all Local London Members participate in a particular project or programme of work.
- 1.3 Where a decision of the LLPP Joint Committee does not apply to all Local London Members, the delegation of functions to the LLPP Joint Committee is limited to those Local London Members to whom the decision applies.

Composition

- 1.4 The LLPP Joint Committee will comprise 9 councillors, one from the Executive of each of the Local London Members. The political balance rules shall not apply.
- 1.5 Members of the Committee must be Cabinet members.
- 1.6 The Chairman and Vice Chairman will be appointed annually by the Joint Committee. Appointments shall be made on a rotational basis.
- 1.7 Partners and stakeholders may be invited to attend meetings of the LLPP Joint Committee on a non-voting basis as appropriate.

Quorum

- 1.8 The LLPP Joint Committee quorum is 6 councillors. In the event of a tied vote, the Chairman will have the casting vote.

Voting

- 1.9 Each Member of the LLPP Joint Committee shall have one vote. All matters to be decided shall be by a simple majority of those members present and voting.

Reserves

- 1.10 Each member of the LLP Joint Committee may appoint a reserve member from their Executive.

Competency

- 1.11 All members of the LLPP Joint Committee and councillors attending as reserves shall:
 - 1.11.1 have undertaken appropriate training in the relevant law and procedures which relate to the Joint Committee's work; and

- 1.11.2 undertake further appropriate training, on an ad hoc basis, where there are changes to procedure or relevant legislation that are deemed significant by the Chief Executives of each Local London Member (the **Chief Executive's Board**).

2. Matters Reserved for the LLPP Joint Committee

The functions of the LLPP Joint Committee shall not be limited by area.

- 2.1 To discharge executive functions that relate to joint activities or areas of common concern in relation to growth and opportunities for devolution in the sub-region.
- 2.2 To collaborate on and coordinate a range of activities and opportunities that arise through greater devolution or powers from central government.
- 2.3 To approve the annual business plan.
- 2.4 To provide strategic management and oversight of:
 - 2.4.1 The Annual Budget;
 - 2.4.2 External funding programmes; and
 - 2.4.3 All other financial resources allocated to the LLPP.
- 2.5 To secure local benefits and sustainable growth for the geographical areas of the Local London Members.
- 2.6 To secure the long-term benefits for the functions carried out and services undertaken by the Local London Members collectively, individually or in partnership with others.
- 2.7 To provide strategic and operational coherence to the collaborative work of the Local London Members in relation to securing local benefits.
- 2.8 To promote and facilitate joint bidding for funding, training and employment programmes to maximise the benefit for Local London Members.
- 2.9 To establish and facilitate the implementation of a programme for Local London Members which ensures local benefits and sustainable long-term growth.
- 2.10 To receive reports from the Director of Local London on the delivery of the LLPP as required by the Local London Members of the LLPP Joint Committee from time to time.

3. Agenda Management

- 3.1 Prospective items of business for the LLPP Joint Committee shall first be approved by the Chief Executives' Board.

- 3.2 Where the Chairman is of the view that unanimity of voting may not be achieved on an item of business, the Chairman may propose that the agenda item is referred back to the Chief Executives' Board for further consideration.

4. Overview & Scrutiny

- 4.1 The LLPP Joint Committee shall be subject to the overview and scrutiny requirements of the Local London Members.
- 4.2 In the event that a decision of the LLPP Joint Committee or any sub-committee of it is called-in, the Chief Executive (or his nominee) for the relevant Local London Member shall attend the scrutiny committee meeting together with the relevant member of the LLPP Joint Committee

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1.3: Ordinary Committees

Governance and Assurance Committee

Type of Committee: Ordinary

Membership

7 Councillors to be appointed in accordance with the rules on political balance as agreed at Annual Council. Not to include Cabinet Members.

2 co-opted independent members acting as non-voting advisers/observers to be appointed by the Council.

Chair

To be appointed by the Council

Quorum

2 Councillors

Frequency of Meetings

At least four ordinary meetings per year aligned to quarterly assurance reporting periods, plus special meetings to be convened as required to consider:

- The statement of accounts
- The annual audit reports
- Reports of the Standards (Hearings) Sub-Committee

Sub Committees

The Standards (Hearings) Sub-Committee

Purpose

The committee is an advisory committee of the Council with some specific decision-making powers as delegated by the Council.

Its purpose is to provide member leadership and assurance on the Council's governance, risk and control arrangements.

The Committee's role in ensuring that there is sufficient assurance over governance risk and control gives greater confidence to all those charged with governance that those arrangements are effective.

The committee has oversight of both internal and external audit together with the financial and governance reports, helping to ensure that there are adequate arrangements in place for both internal challenge and public accountability.

The Committee will deliver this purpose by carrying out the following core tasks:

1. To review the Council's Annual Governance Statement prior to approval by the Leader and Chief Executive, and to consider whether it properly reflects the risk environment and supporting assurances, taking into account internal audit's opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control.
2. Directing action to be taken as a result of the findings of the review carried out to support the drafting of the Annual Governance Statement;

3. Approving the Statement of Accounts;
 4. Approving the annual Internal Audit Plan, and actions arising from audits undertaken by the Head of Internal Audit. Related tasks include;
 - Receiving assurance as to the sufficiency of the Internal Audit service's resource, the approach to using other sources of assurance and any work required to place reliance upon those other sources.
 - To approve significant interim changes to the risk-based internal audit plan and resource requirements
 - To make appropriate enquiries of both management and the head of internal audit to determine if there are any inappropriate scope or resource limitations
- To consider any impairments to the independence or objectivity of the head of internal audit
 - To receive reports outlining the action taken where the head of internal audit has concluded that management has accepted a level of risk that may be unacceptable to the authority
 - Developing and agreeing action plans (subject, where required, to final approval by Council or Cabinet) further to recommendations made by the external auditor, including statutory recommendations;
 - Directing action on good conduct and standards amongst Councillors, as part of a responsibility to lead on the Council's wider framework of ethical governance.

These tasks will be supported by the Committee's work to:

- Review and scrutinise the authority's financial affairs, subject to the complementary role of the overview and scrutiny function;
- Review and assess the authority's risk management, internal control and governance arrangements, including oversight of internal and external audit;
- Review and assess the economy, efficiency and effectiveness (value for money) with which resources have been used in discharged the authority's functions;
- Oversee and provide direction on the Council's systems for assuring good conduct and standards amongst councillors;

The Governance and Audit Committee will report to Full Council on a regular basis on the **Committee's performance** in relation to the terms of reference and the effectiveness of the committee in meeting its purpose.

Where another body (for example Council or Cabinet) has responsibility for the agreement of any plan and strategy listed in these terms of reference Governance and Assurance Committee shall review and agree those plans and strategies prior to their being submitted to the relevant body for decision.

Roles

The committee will fulfil the following roles:

Leadership and decision-making on finance and risk management

1. To agree mutual roles and responsibilities, with regard to member leadership and action on financial and risk management, with Cabinet and the Overview and Scrutiny Committee, having regard to the ultimate role of the Full Council with regard to these matters;

2. To carry out those duties, associated with the above agreement, that are within the purview of the Governance and Assurance Committee, and to assure and oversee the responsibility of other parties' transaction of their duties under such agreement;
3. To support and challenge officer leadership on financial governance

Review and scrutiny of the authority's assurance and financial affairs

1. To approve the following plans and strategies (delegated by Council):
 - The Internal Audit Charter, Mandate and Strategy
 - The Internal Audit Plan
 - The External Audit Plan
 - The Head of Internal Audit's Annual Report
2. Treasury Management:
 - To review the Treasury Management Strategy and recommend it to Council for approval
 - To review activities and monitor compliance with policies, strategies and procedures plus oversight of governance, risks and assurance matters relating to debt and investment portfolios and make recommendations to full Council.
3. To scrutinise the effectiveness and impact of the internal audit function by:
 - receiving the Internal Audit Performance Report and quarterly updates
 - contributing to the Quality and Assurance Programme for the internal audit function, and in particular the five-yearly external assessment of audit quality
 -
4. To make recommendations to Council on the appointment of the external auditor
5. To develop and agree further plans for action and improvement arising from:
 - The External Auditor's Annual Letter
 - Internal audit reports which raise significant risks
 - The Certificate of Grants Report
 - Reports and recommendations from other agencies and inspectorates which have implications for financial governance and ethical standards.

The duties set out above will be carried out in the context of the Committee's ongoing work:

6. To oversee the arrangements in place to secure adequate assurance across the

- body's full range of operations and collaborations with other entities.
7. To oversee the independence, objectivity, performance and conformance to professional standards of the internal audit function
 8. To oversee and provide direction on internal audit activity, including approval of the annual internal audit work plan
 9. To oversee and scrutinise management action undertaken further to internal audit or external audit recommendations or directions
 10. To oversee and direct action to promote the effective use of internal audit within the assurance framework.
 11. To contribute to the operation of efficient and effective external audit arrangements, supporting the independence of auditors and promoting audit quality.
 12. To support effective relationships between all providers of assurance, audits and inspections, and the organisation, encouraging openness to challenge, review and accountability.

Review and assessment of risk management, internal control and governance

13. To approve the following plans and strategies:
 - The Draft Annual Governance Statement and recommend its approval by the Leader and Chief Executive (following the Committee giving directions, and gathering evidence, relating to the review process that shall inform the findings reported in the AGS)
 - The Risk Management Policy and Strategy
 - The Counter-Fraud Strategy and supporting policies
 - The Anti-Money Laundering Policy and Strategy
 - The Whistleblowing Policy
 - The RIPA Policy and Strategy
 - Any other documents or policies that officers may put in place to manage risks relating to financial management and probity.

(The Committee's approval of these and other strategies, plans and reports shall be without prejudice to any statutory requirement for them to be further agreed by Cabinet, Council or another body of the council)

14. To develop and agree further plans for improvement to financial management arising from:
 - The Annual Governance Statement
 - Any review of the Council's Code of Governance which may have been carried out either against CIPFA's Good Governance Framework or any other externally assured framework;
 - Work undertaken by the General Purposes Committee and by the

Constitution Review Working Group relating to the Council's Constitution

- The Annual Report of the SIRO with regard to information security.

The duties set out above will be carried out in the context of the Committee's ongoing work:

15. To support a comprehensive understanding of governance across the organisation and among all those charged with governance
16. To monitor the effective development and operation of risk management in the council.
17. To monitor the effectiveness of the system of internal control, including arrangements for financial management, ensuring economy, efficiency and effectiveness (value for money), supporting standards and ethics with regard to financial management and managing the authority's exposure to the risks of fraud and corruption.

Review and assessment of value for money

18. To receive and consider, and take action on, recommendations made by the external auditor as a result of the value for money element of the Annual Audit;
19. In the event that the external auditor issues a disclaimed opinion (for any reason) to consider and agree what internal arrangements can be made to provide assurance.

The duties set out above will be carried out in the context of the Committee's ongoing work:

20. To oversee and assure the effectiveness of operational performance reporting (including member oversight and assurance of performance at Cabinet and in overview and scrutiny committees);
21. To ensure that the authority has systems in place to assure its delivery of the Best Value duty;
22. To ensure the centrality of value for money as a consideration in the executive decision-making process
23. To review and assess the capability of the organisation in delivering saving targets, including having regard to workforce issues;
24. To ensure that the authority has systems in place to assure the impact of savings on service standards (complementary to work undertaken by the overview and scrutiny committee);
25. To assure the presence of appropriate oversight arrangements for contract management and procurement.

Standards

26. To approve the following:
 - Any changes to the Member Code of Conduct (subject to Constitutional changes being considered by CRWG)

- Other protocols and procedures relating to member conduct, relationships and standards, subject to the above;
 - The Member Development Strategy
27. To make recommendations to Council on
- the appointment of an independent chair to the Standards (Hearings) Sub-Committee
 - the appointment of up to two Independent Persons to sit on the Standards (Hearings) Sub-Committee
 - subject to the role of General Purposes Committee in proposing constitutional changes, procedures relating to business undertaken at the Standards (Hearings) Sub-Committee

NOTE: Any findings, and recommendations, in relation to an individual complaint of a breach by a Member of the Code of Conduct shall be referred directly from Standards (Hearings) Sub-Committee to Full Council. The matter shall not be considered substantively by Governance and Assurance Committee.

28. To consider and agree any plans for improvement arising from:
- The Annual Report of the Monitoring Officer on the operation of the code of Conduct, and on issues relating to member conduct generally (including matters relating to declarations of interest).

The duties set out above will be carried out in the context of the Committee's ongoing work to oversee member conduct and behaviours, and an ethical framework for member-officer relations.

Standards (Hearings) Sub-Committee

Type of Committee: Ordinary sub-committee

Membership

1 Co-opted independent person (non-voting)

3 Councillors (not to include Cabinet Members) appointed by Group Leaders in accordance with the rules on political balance as agreed at Annual Council.

Chair

The Co-opted independent person (non-voting)

Quorum

3 Councillors plus the Co-opted independent person

Frequency of meetings

Ad hoc – as and when required

Frequency of Meetings

Ad hoc

Purpose

An advisory committee, the purpose of the sub-committee is to hear allegations of misconduct against members of the Council and to make recommendations thereon to the Full Council.

General Purposes Committee

Type of Committee: Ordinary

Membership

7 Councillors to be appointed in accordance with the rules on political balance as agreed at Annual Council.

Chair

To be appointed by the Council

Quorum

2 Councillors

Frequency of Meetings

Ad hoc, but scheduled for every other month and usually meeting immediately before or after Cabinet.

Sub Committees

The Staffing Sub-Committee
Constitutional Review Working Group

Purpose and Roles

The role of the committee is to exercise any non-executive functions not already delegated to another committee or officer including, but not limited to, matters relating to staff, elections and by-laws.

The committee will also be responsible for considering any significant changes to the Constitution prior to consideration of Full Council.

Constitutional Review Working Group

Type of Committee: Ordinary sub-committee

Membership

5 Councillors appointed by the General Purposes Committee in accordance with the rules on political balance as agreed at Annual Council. With one named substitute per political group.

Chair

To be appointed by the Sub-Committee

Quorum

2 Councillors

Frequency of meetings

Ad hoc – as and when required

Purpose

- a) To review areas of the Constitution to ensure that they are fit for purpose, facilitate good decision-making, and reflect best practice;
- b) To receive and consider requests from Members, officers and committees to review certain areas of the Constitution; and
- c) To recommend appropriate changes to the General Purposes Committee, for approval by Council.

Staffing Sub-Committee

Type of Committee: Ordinary sub-committee

Membership

5 elected members, to be appointed by the Leaders of the political groups in accordance with the rules on political balance as agreed at Annual Council.

At least one member of the Sub-Committee shall be a Cabinet Member.

Where the Sub-Committee determines to recommend to Full Council that the Chief Executive (Head of Paid Service), the Monitoring Officer, or the S151 Officer be dismissed following disciplinary action, the Staffing Sub-committee must form an Independent Person Panel (as an advisory committee under section 102(4) of the Local Government Act 1972) consisting of at least two relevant Independent Persons, in accordance with the Officer Employment Procedure Rules at Part XX of this constitution.

Chair

To be appointed by the Sub-Committee

Quorum

3 Members

Frequency of meetings

Ad hoc – as and when required

Interpretation

In these terms of reference terms shall have the following meanings:

- "Head of Paid Service" (HoPS) means the Chief Executive Officer of the Council
- "Chief Officer" means statutory and non-statutory chief officer, the HoPS, the Monitoring Officer, the S151 Officers defined by section 43(2) of the Localism Act 2011, and also includes all those employed as Executive Directors;
- The term "Chief Officer" includes those officers appointed as "Deputy Chief Officer" as defined by section 2(8) of the Local Government & Housing Act 1989.
- "Disciplinary action" in relation to the HoPS, the Monitoring Officer and/or the section 151 officer means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the authority, be recorded on the officer's personal file, and includes any proposal for dismissal of an officer for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

Purpose and roles

The role of the sub-committee is to:

- a) Appoint those permanent Chief Officers except in relation to the Head of Paid Service, the section 151 Officer or the Monitoring Officer, where the sub-committee will make a recommendation for appointment to Full Council.
- b) determine any matters relating to the pay or terms and conditions of any such Chief Officer roles not already approved by Council or the General Purposes Committee, to include:

- approval of any variation to Chief Officer pay – this does not include the annual incremental review;
 - agreement to any special responsibility allowances other than those provided for by law;
 - agreement to any recruitment and retention allowances above a threshold to be set by the Sub-Committee periodically; and
 - offer of honoraria payments above a threshold to be set by the Sub-Committee periodically.
- c) where the HoPS determines that an appeal against dismissal brought by a member of staff at Chief Officer grade should be referred to the sub-committee, a panel of three members of the sub-committee will be convened to sit as an appeal panel to hear the appeal. The panel will be advised by a member of the Executive Leadership Team.
- d) Where requested to do so by the HoPS, to receive, consider and provide feedback on proposals for restructures involving Chief Officers.
- e) to consider and make recommendations to the Full Council on the proposed appointment of the Head of Paid Service; the Section 151 Officer and the Monitoring Officer;
- f) To act as the investigatory and disciplinary committee in relation to any disciplinary action concerning the HoPS, the S151 Officer or the Monitoring Officer, in accordance with the Officer Employment Procedure Rules at Part XX.
- g) to be responsible for the disciplinary and dismissal for any reason of any Chief Officer (save for the dismissal of the HoPS, S151 Officer and Monitoring Officer, where the sub-committee may recommend dismissal to Full Council), unless summarily dismissed by the Head or Paid Service on the advice of the Head of HR or another person suitably qualified, in which case the dismissal will be subsequently reported to the sub-committee in writing (the HoPS cannot summarily dismiss the S151 Officer or the Monitoring Officer);
- h) prior to the offer of appointment or giving notice of dismissal in respect of a Chief Officer , to notify members of Cabinet so as to allow representations to be made in accordance with xx of the Employment Procedure Rules;
- i) receive an annual report regarding the Pay Policy Statement from the Head of Paid Service and make recommendations to Full Council for implementation.

Operation of meetings

The Sub-Committee will be composed and advised as follows in respect of the duties set out below.

The Sub-Committee will normally meet in private to conduct business relating to the recruitment, appointment, disciplinary and dismissal of officers as it will be considering exempt business under the Access to Information Rules.

Procedures for the operation of the Sub-Committee in respect of the recruitment, appointment, disciplinary, and dismissal of officers will be developed by a suitably senior HR adviser in respect

both of general policy and in respect of the individual employment matter concerned. These procedures will comply with Joint Negotiating Committee (JNC) rules.

| | |
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| Recruitment of Chief Officers (Executive Director) | <p>Sub-Committee advised by the Chief Executive and by a suitably qualified HR adviser</p> <p>The sub-committee shall decide on appointment or shall recommend appointment to Council (in the case of the Head of Paid Services, Section 151 Officer of Monitoring Officer) having considered the advice/recommendation of the Head of Paid Service (other than in relation to the appointment of a new Head of Paid Service and/or in their absence in which case the Deputy Chief Executive will be the adviser to the Committee).</p> |
| Recruitment of Director of Public Health | <p>This recruitment and subsequent appointment must be carried out in accordance with the relevant legislative requirements, including undertaking an open recruitment process and consulting the Secretary of State for Health and Social Care before any appointment is confirmed.</p> <p>The HoPS has delegation and discretion to make arrangements to ensure statutory compliance which may include a panel consisting of the CEX, Executive Director of Adult Social Services, a representative from the Department of Health and Social Care. A recommendation will then be made to Full Council as usual.</p> |
| Chief Officers (Deputy Chief Officers (Directors)) | <p>Sub-Committee advised by the Chief Executive and/or the Executive Director with line management responsibility for the post under recruitment, and a suitably qualified HR adviser.</p> <p>The sub-committee shall decide on appointment, having considered the advice/recommendation of the Head of Paid Service and/or Executive Director involved.</p> |
| Discipline / dismissal of Chief Officers (Executive Directors) | <p>Sub-Committee advised by a suitably qualified HR adviser and carried out in line with rules set out by the authority's Human Resources function and JNC rules, and any</p> |

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| | <p>relevant parts of the Officer Employment Procedure Rules</p> <p>In the case of disciplinary action concerning the HoPS, s.151 or the Monitoring Officer, the Sub-Committee shall comply with the relevant provisions of the Officer Employment Procedure Rules as set out at Part XX of this constitution</p> <p>The Sub-committee shall decide on dismissal or disciplinary action of Executive Directors.</p> <p>Where the sub-committee is proposing to dismiss any of the HoPS, the S151 Officer or the Monitoring Officer, they shall recommend the dismissal to Full Council. Where such a dismissal is a consequence of disciplinary action, an Independent Person Panel must be involved as set out in the Officer Employment Procedure Rules at Part XX.</p> |
| All other business | Sub-Committee with business chaired and facilitated by the Chair |

At all times, the Sub-Committee will act in full compliance with the relevant employment policies of the Council. In particular, in making determinations relating to the terms and conditions of employment, including pay, of Chief Officers, the Sub Committee must act in compliance with the agreed annual Pay Policy Statement.

The responsibilities set out above are notwithstanding any decision that the Head of Paid Service or Chief Officer may take to convene panels of members to provide informal inputs into recruitment processes for certain posts as important stakeholders subject to the restrictions.

Staff Appeal Hearings Panel

Three members of the sub-committee shall be convened to sit on a Staff Appeal Hearing Panel to consider appeals against a determination to summarily dismiss any Chief Officer Director level (save for the role of HoPS, s.151 Officer and Monitoring Officer).

The Panel will be advised and assisted by a suitably qualified HR adviser and by a senior officer of the Council, who may not be an officer previously involved in the matter concerned.

Staff Appeal Hearings Panel

Type of Committee: Panel of an ordinary sub-committee

Membership

3 Councillors drawn from the membership of the Staffing Sub-Committee selected by the Chief Executive (Head of Paid Service)

Chair

To be appointed by the Sub-Committee

Quorum

3 Councillors

Frequency of meetings

Ad hoc – as and when required

Three members of the Sub-Committee shall be selected by the Head of Paid Service to sit on a Staff Appeal Hearing Panel to consider appeals against the determination to dismiss any Chief Officer level..

The Panel will be advised and assisted by a suitably qualified HR advisor and by a senior officer of the Council, who may not be an officer previously involved in the matter concerned.

The Panel will not be a formally constituted committee of the Council.

Pension Fund Committee

Type of Committee: Ordinary sub-committee

Membership

5 Councillors appointed by Council in accordance with the rules on political balance as agreed at Annual Council.

Chair

To be appointed by the Council.

Frequency of Meetings

Quarterly

Sub Committees

None

Role

To be responsible for the overall investment policy, strategy and operation of the fund and its performance, including taking into account the profile of the Fund liabilities, including the following:

1. To determine the Fund management arrangements, including the appointment and, if necessary, termination of the Fund Managers, Custodian and Fund Advisers.
2. To monitor and review the performance of the Fund and of the individual Fund Managers, Custodian and Fund Advisors.
3. To approve the Pension Fund Investment Strategy.
4. To approve the Investment Strategy Statement, the Funding Strategy Statement and other policy statements.
5. To review the performance of Pension Fund investments and to endorse improvement plans where relevant.
6. To review the votes cast by Fund Managers at annual general and extraordinary company meetings.
7. To review the development and effectiveness of the London Collective Investment Vehicle; and consider the investment opportunities that this vehicle presents for the Pension Fund.
8. To receive the Pension Fund Annual Report and accounts (*note, also submitted to the Local Pension Board*).
9. To receive actuarial valuations of the Fund, including the report on the outcome of the 2016 Triennial Pension Fund Review and subsequent review (*note, also submitted to the Local Pension Board*).
10. To consider other strategic issues referred to the committee by the s151 officer.
11. To keep the Pension Fund governance and administration arrangements under review and to recommend changes to the Council when necessary.
12. To keep under review the LGPS regulations, Codes of Practice or guidance issued by the Pensions Regulator and the National Scheme Advisory Board ensuring compliance as applicable.
13. To consider any recommendations made or views expressed by the London Borough of Redbridge Local Pension Board.

14. To advise the Administering Authority on other strategic matters relating to the Pension Fund and/or management of Superannuation Fund Investments.

Planning Committee

Type of Committee: Ordinary (Regulatory)

Membership

11 Councillors to be appointed in accordance with the rules on political balance as agreed at Annual Council.

Chair

To be appointed by the Council

Quorum

3 Councillors

Frequency of Meetings

11 times per year or less if not required

Purpose

To exercise the functions, powers and duties of the Council in relation to Development Management and related planning matters within the parameters set by the Council and Executive as appropriate.

Powers – General

- (a) To hear pre-application or pre-determination presentations by developers and for individual members of the committee to ask questions and highlight issues that may require further consideration by the developer.
- (b) To determine an Application for Planning Permission or an Application for Listed Building Consent where the recommendation is for approval, under the following circumstances:
 - (i) Where there are three or more **Objections** (as defined below) or a **Call-In Request** (as defined below) and in the opinion of the Chair, in consultation with the Director of Planning & Building Control, the Objections/Call-in Request meet the relevant definition(s) and there is a material planning reason for reporting the application to Planning Committee.
Material planning reasons would include:
 - The application raises issues of a strategic nature.
 - The application raises complex Development Plan policy issues.
 - The application raises other issues of a complex nature.
 - The matters raised are not of a minor nature and are likely to cause significant harm.

For the avoidance of doubt, the number of Objections/Call-in Requests would not of itself be a factor in judging whether there is a material planning reason for reporting the application to Planning Committee.

Each Objection/Call-in Request that does not meet the relevant definition or does

not raise a material planning reason for reporting it to Planning Committee, does not count towards triggering Committee consideration.

- (ii) The recommendation would not accord with the provisions of the Development Plan, and, in the opinion of the Director of Planning & Building Control, it would constitute a significant Departure.
- (c) To approve a planning application or application for listed building consent where the Council is the applicant and:
 - the recommendation would not, in the opinion of the Director of Planning & Building Control accord with the provisions of the Development Plan; or
 - a single Objection (as defined below) has been received, or
 - there is a Call-In Request (as defined below), and
 - the Chair, in consultation with the Director of Planning & Building Control, considers it appropriate for Committee consideration.
- (d) To approve a planning application where the applicant has indicated on the 1APP Application Form that they are:
 - an elected member of the Council;
 - a Senior Officer of the Council (Service Head level and above);
 - a Political Party, related organisation or Political Group Officer;
 - an Officer of the Local Planning Authority (as defined below); or
 - closely related to any of the above.
- (e) Any planning matter which the Director of Planning & Building Control wishes to refer to the Committee.

Licensing Committee and Sub-Committees

Type of Committee: Ordinary (Regulatory)

Membership

15 Councillors to be appointed in accordance with the rules on political balance as agreed at Annual Council.

Chair

To be appointed by the Council

Quorum

3 Councillors

Frequency of Meetings

2 annually – with additional meetings scheduled as required

Sub-Committees

Licensing sub-committees convened as required

Purpose

- (a) To discharge all the Council's licensing functions, as defined by Section 4 of the Licensing Act 2003, to the extent permitted by the terms of that Act and any other functions which are by law the responsibility of the committee appointed under the Act.
- (b) To discharge the Council's licensing functions arising under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- (c) To discharge all other licensing functions of the Council not falling within the remit of the Regulatory Committee, including considering and determining applications for licences or regulations, imposing conditions and limitations, making variations and carrying out enforcement. The licences and registrations include, but are not limited to, those in respect of the following:
 - Animal trainers and exhibitors
 - Breeding of dogs
 - Camping sites
 - Caravan sites
 - Charitable collections
 - Dangerous wild animals
 - Explosives
 - Fire certificates
 - Guard dog kennels
 - Knacker's yards
 - Market and street trading
 - Performances of hypnotism
 - Pet shops
 - Pleasure boats and pleasure vehicles

- Poisons
 - Premises for acupuncture, tattooing, ear-piercing and electrolysis
 - Safety at sports grounds
 - Scrap yards
 - Solemnisation of marriages
 - Zoos
- (d) To consider representations received in respect of proposed Orders to be made pursuant to Section 13 of the Criminal Justice & Police Act 2001 (controlled drinking zones).
- (e) To establish one or more sub-committees consisting of three members of the Licensing Committee to perform the above functions. Such sub-committees should be wherever possible, but are not required to be, politically proportionate.
- (f) To monitor and control the above functions.
- (g) In respect of matters which, but for their classification under executive arrangements as non-executive matters, would fall within the remit of the licensing aspects of the Civic Pride Portfolio to perform or consider any such functions or matters save for the following:-
- (i) those that by law have to be performed or considered by full Council
 - (ii) those that are reserved to Council pursuant to the Constitution
 - (iii) those that are delegated to any other Committee of the Council
 - (iv) those that are delegated to officers
- (h) To advise the Council as required on any non-executive decisions within paragraph (g) (i) and (ii) above.
- (i) To advise the executive on the following matters within the licensing aspects of the Civic Pride Portfolio:
- (i) any matters that are referred to in Forward Plan executive reports that relate specifically to this Portfolio, including the Cabinet's formal proposals to Council in relation to the setting of the Annual Budget, and Budgetary Control reports, so far as they affect it, and which are due for executive decision before or at the next due meeting of the Cabinet, but excluding any matter that is referred by any Overview and Scrutiny Committee for consideration by the executive;
 - (ii) any matters in respect of which medium to long term policy development work is required that are referred to the committee by the executive, including, where relevant, matters that have already been included in the Forward Plan for future executive decision-making.
- (j) To establish a panel, working group or other body (hereafter a "subsidiary body") to consider and report back with recommendations on any matters within the committee's executive advisory terms of reference referred to in subparagraph (i) (b) above. Such a subsidiary body will not have power to make any advisory decisions itself. Any subsidiary body must be established for a specified period,

after which any decision to extend the body's life must be made by the Committee. The membership of a subsidiary body will normally be in accordance with proportionality principles and, beyond Members of the Committee, may include other elected Members and co-opted Members of the Council. Papers of subsidiary bodies will not be published unless the parent Committee so decides. Their meetings will be open to Councillors but not normally to the public unless the relevant subsidiary body so decides.

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1.4: Advisory Committees and Panels

TOR and link to procedure rules.

Health and Wellbeing Board

Type of Committee: Advisory Committee

1. For the purpose of advancing the health and wellbeing of the people in its area, encourage persons who arrange for the provision of any health or social care services in that area to work in an integrated manner.
2. Provide such advice, assistance or other support as it thinks appropriate for the purpose of encouraging the making of arrangements under section 75 of the National Health Service Act 2006 in connection with the provision of such services.
3. Encourage persons who arrange for the provision of any health-related services in its area to work closely with the Health and Wellbeing Board.
4. Encourage persons who arrange for the provision of any health or social care services in its area and persons who arrange for the provision of any health-related services in its area to work closely together.
5. Carry out the functions of the Council and Redbridge Clinical Commissioning Group under sections 116 and 116A of the Local Government and Public Involvement in Health Act 2007 to:-
 - a. prepare and publish a Joint Strategic Needs Assessment and
 - b. prepare and publish a Health and Wellbeing Strategy for the area of the London Borough of Redbridge.
6. Prepare and publish a local Pharmaceutical Needs Assessment (PNA) - an overview of local pharmaceutical needs, services and gaps in provision.
7. Appoint such additional persons to be members of the Board as it thinks appropriate.
8. For the purpose of enabling or assisting it to perform its functions, request any of the following persons to supply it with such information as may be specified in the request:-
 - a. the Council;
 - b. any person who is represented on the Health and Wellbeing Board by virtue of section 194(2)(e) to (g) or (8) of the Health and Social Care Act 2012; or
 - c. any person who is a member of a Health and Wellbeing Board by virtue of section 194(2)(g) or (8) of the Act but is not acting as a representative.
9. Appoint such Sub-Committees as it considers appropriate.

Joint Consultative Advisory Committee of Members and Employers (JCC)

1. Title of Advisory Committee

- 1.1. The Advisory Committee shall be called "The London Borough of Redbridge Level 3 Joint Consultative Advisory Committee" (JCC Level 3).

2. Principles

- 2.1. That members of the Advisory Committee shall conduct the business of the Advisory Committee in an efficient manner.
- 2.2. Members of the Advisory Committee shall treat each other with respect.
- 2.3. The Advisory Committee in all its dealings will promote equality and not knowingly discriminate unlawfully against any person.
- 2.4. No recommendations of the Advisory Committee shall override any agreed Council policy.

3. Scope and Purpose

- 3.1. The Advisory Committee will be established as a subsidiary body of the Council's General Purposes Committee
- 3.2. The JCC Level 3 shall be a joint advisory committee comprising members of the Council and trade union representatives. The Advisory Committee will provide a forum for (i) considering matters not resolved at Service Areas' Level 2 or Corporate Level 2.5 committees and (ii) joint discussion, consultation and negotiation on corporate employment relations matters.
- 3.3. In respect of 3.2 above the Advisory Committee will make recommendations, as appropriate, to its parent body, the General Purposes Committee.

4. Objectives

- 4.1. The general objectives of the JCC Level 3 shall be:-
- (i) to consider matters referred to the Advisory Committee by Service Area Level 2 or Corporate Level 2.5 committees;
 - (ii) to provide a forum for an exchange of views and information on matters of concern to both the Council and the trade unions; and
 - (iii) to provide, through joint consultation and negotiation, a means of avoiding friction, grievances and local disputes.

5. Function and Terms of Reference

- 5.1. The function of the JCC Level 3 shall be to bring together representatives of the Council and trade union representatives for consultation, communication and negotiation on all employment relations issues such
- (i) Considering matters not resolved at Service Area Level 2 or Corporate Level 2.5 committees.
 - (ii) maintaining an efficient and effective service;
 - (iii) keeping trade unions informed on matters affecting the workforce;
 - (iv) seeking the trade unions' views on employment policies, procedures and practices and endeavouring to ensure prior agreement on proposed changes which may affect them; and

- (v) considering matters in respect of terms and conditions of employment which are not reserved for negotiation at National or Provincial Council level.

6. Membership and Attendance

6.1. Membership of the JCC Level 3 shall comprise:-

- (a) Council Side - 7 Members of the Council appointed by the Council on the basis of proportionality.

Substitute members will also be appointed.

- (b) Trade Union Side - 7 trade union representatives of the employees of the Council whose conditions of service are governed by the following Joint

Negotiating

- NJC for Local Government Services
- JNC for Local Authority Craft and Associated Employees

Substitute members will also be appointed.

- 6.2. The employees in membership of the trade unions represented on the above Joint Negotiating Bodies will elect their representatives from their numbers.
- 6.3. No other trade unions will be recognised by the Council for collective bargaining purposes for employees covered by the above Joint Negotiating Bodies.
- 6.4. So far as is reasonably practicable, due allowance shall be made for adequate representation of trade union members in all the various Services of the Council.
- 6.5. Members of the Advisory Committee shall hold office for one municipal year. All members shall be eligible for re-election. Casual vacancies shall be filled by the appropriate Side as soon as possible.
- 6.6. Either Side of the Joint Advisory Committee may arrange for the attendance, in an advisory capacity only, of any representative of a service, or officer of the Council, or appropriate trade union national or regional official at any meeting of the Advisory Committee where it is considered it would be helpful to the business under discussion. In such instances the Secretary of the relevant Side shall notify the other Side's Secretary at least 5 working days in advance of the meeting.

7. Officers of the Advisory Committee

- 7.1. The JCC Level 3 shall elect a Chair and a Vice-Chair from among the members of the Advisory Committee. When the Chair is elected from one Side of the Advisory Committee, the Vice-Chair shall be elected from the other Side.
- 7.2. The Chair and Vice-Chair of the Advisory Committee shall hold office for one municipal year (or until replaced or re-elected) and the Chair will alternate between the two Sides. Casual vacancies shall be filled at (or before, in the case of a Secretary) the next meeting. The Chair elected in the odd years will be from the Council Side and the Chair elected in the even years will be from the Trade Union Side.
- 7.3. Each Side of the JCC Level 3 shall each year appoint its own Secretary. The Council Side Secretary shall prepare the draft minutes and notice and agenda for each meeting and arrange for their circulation.
- 7.4. The Trade Union Side Secretary role shall be recognised by the Council as an official trade union duty and the employee appointed into the post will be afforded all reasonable paid time off to carry out this role.

- 7.5. The Joint Secretaries of the Joint Consultative Advisory Committee shall deal with all necessary correspondence, attend meetings, prepare reports appropriate to their Side and liaise and consult with each other on all matters concerning the conduct of business of the JCC Level 3.
- 7.6. In the extended absence of one of the Secretaries (through sickness or other reason), the appropriate side of the JCC Level 3 may appoint a temporary substitute Secretary, following agreement of any temporary arrangements which may be necessary with the other Secretary. In such case involving the Trade Union Side Secretary, the facilities referred to in paragraph 7.4 shall be transferred to the substitute Trade Union Side Secretary for the period.

8. Procedure of the JCC Level 3

- 8.1. One meeting of the Advisory Committee will be diaried for early in each municipal year to allow the Chair and Vice-Chair to be elected and other formalities and any available business to be dealt with.
- 8.2. Thereafter, three further meetings of the Advisory Committee during each municipal year will be convened. The agenda for these meetings will contain items of a specific, or of an urgent, nature, but at all times will include a report entitled 'Liaison' where both Sides will discuss current and forthcoming issues
- 8.3. Either Side will be able to request that a meeting is held by having their Secretary contact the other Secretary, and by providing the relevant documentation in respect of the item to be discussed.
- 8.4. The meeting will be held at the earliest possible convenient date for the Chair, Vice-Chair and the Advisory Committee members, subject to sufficient notice being given and the agenda being circulated five clear working days in advance of the meeting.
- 8.5. Diaried and other meetings shall continue to be held at 3.30 pm and, where reasonably practicable, in Council offices. Trade union representatives will be allowed time off with pay to attend these meetings and other paid time off to prepare. The pay will be at the basic rate, plus any allowances, if the meeting is within their normal working hours and at overtime rates if outside normal hours.
- Excess travel expenses will also be paid if incurred in attending meetings.
- 8.6. No business other than that which appears on the agenda shall be transacted at any meeting unless both Sides agree to it after it has been introduced.
- 8.7. Three members from each Side shall constitute a quorum for the Advisory Committee.
- 8.8. In the event of the Chair being absent from any meeting, the Vice-Chair shall take the chair. In the event of both Chair and Vice-Chair being absent, a chair for the meeting shall be appointed by the Side of the Advisory Committee of which the current Chair is a member.
- 8.9. Decisions shall be arrived at only by a majority on each of the two Sides of the Advisory Committee present at the meeting.
- 8.10. In arriving at any proposals, the Advisory Committee shall have regard to the policies, decisions and recommendations of the appropriate national or provincial negotiating bodies.
- 8.11. The Advisory Committee may refer any question coming before them for consideration by, and the advice of, the appropriate Provincial Council or their joint secretaries as appropriate.

- 8.12. The minutes of any meeting of the Advisory Committee shall be agreed by the Chair and Vice-Chair.
 - 8.13. In the event of any matter arising upon which the Advisory Committee cannot agree, the matter may be referred by either Side to the appropriate provincial or arbitrating body.
 - 8.14. Reasonable facilities shall be provided by the Council for meetings of the Trade Union Side of the Advisory Committee whenever practicable during normal working hours. Requests for time off will need to be made in line with Council practice.
 - 8.15. No member of the Trade Union Side on the Advisory Committee shall suffer loss of earnings for the time spent at meetings of the Advisory Committee and at Trade Union Side meetings, if held during his/her normal working hours.
 - 8.16. In the course of his/her duties, the Trade Union Side Secretary shall be accorded reasonable facilities to visit employees, management and Members of the Council in furtherance of the business of the Advisory Committee (such facilities to include contact through the Council's telephone system, and the passing of the messages and correspondence through the Council's Messenger Service, email system and any other appropriate methods in line with the Council's current policies).
 - 8.17. A trade union representative of any Service or Section appointed as a member of this Advisory Committee shall be accorded reasonable facilities to visit the Employees' Side Secretary, at reasonable periods '(such facilities to include contact through the Council's telephone system, and the passing of the messages and correspondence through the Council's messenger service, e-mail system and any other appropriate methods in line with the Council's current policies), in furtherance of the business of the Advisory Committee. Trade union officials will however need to obtain their manager's agreement to time-off in advance, with such requests being considered in the light of Council practice which is based on the ACAS Code of Practice for Time off for Trade Union Duties.
9. Reviews
- 9.1. This Constitution shall be reviewed by either side from time to time, with proposed amendments being discussed and recommendations made to the parent body (the Council's General Purposes Committee).

Local Pension Board

1. Introduction

This document sets out the terms of reference of the Local Pension Board of the London Borough of Redbridge (the 'Administering Authority') a scheme manager as defined under Section 4 of the Public Service Pensions Act 2013. The Local Pension Board (hereafter referred to as 'the Board') is established in accordance with Section 5 of that Act and under regulation 106 of the Local Government Pension Scheme Regulations 2013 (as amended).

The Board is established by the Administering Authority and operates independently of the Pension Fund Investment Panel. Relevant information about its creation and operation are contained in these Terms of Reference.

The Board is not a committee constituted under Section 101 of the Local Government Act 1972 and therefore no general duties, responsibilities or powers assigned to such committees or to any sub-committees or officers under the constitution, standing orders or scheme of delegation of the Administering Authority apply to the Board unless expressly included in this document.

Except where approval has been granted under regulation 106(2) of the Regulations the Board shall be constituted separately from any committee or sub-committee constituted under Section 101 of the Local Government Act 1972 with delegated authority to execute the function of the Administering Authority.

2. Interpretation

The following terms have the meanings as outlined below:

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| 'the Act' | The Public Service Pensions Act 2013. |
| 'the Code' | means the Pension Regulator's Code of Practice No 14 governance and administration of public service pension schemes. |
| 'the Fund' | means the Fund managed and administered by the Administering Authority |
| 'the Guidance' | means the guidance on the creation and operation of local pension boards issued by the Shadow Scheme Advisory Board. |
| 'the Regulations' | means the Local Government Pension Scheme Regulations 2013 (as amended from time to time), the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014 (as amended from time to time) including any earlier regulations as defined in these regulations to the extent they remain applicable and the Local Government Pension Scheme (Management and Investment of Funds) Regulations 2009 (as amended from time to time). |
| 'Relevant legislation' | means relevant overriding legislation as well as the Pension Regulator's Codes of Practice as they apply to the |

| | |
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| | Administering Authority and the Board notwithstanding that the Codes of Practice are not legislation |
| 'the Scheme' | means the Local Government Pension Scheme in England and Wales. |

3. Statement of purpose

The purpose of the Board is to assist the Administering Authority in its role as a scheme manager of the Scheme. Such assistance is to:

- (a) secure compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme and;
- (b) to ensure the effective and efficient governance and administration of the Scheme.

4. Duties of the Board

The Board should at all times act in a reasonable manner in the conduct of its purpose. In support of this duty Board members should be subject to and abide by the code of conduct for Board members.

5. Establishment

The Board is established on 1st April 2015 subsequent to approval by the Council at its meeting on the 19th March 2015 (minute COU/08d/190315). Subsequent to its establishment, the Board may establish sub-committees.

6. Membership

The Board shall consist of four voting members, as follows:

- Two Scheme Member Representatives; and
- Two Employer Representatives.

There shall be an equal number of Scheme Member and Employer Representatives.

There shall also be one other representative who is not entitled to vote.

Scheme Member representatives

Scheme Member representatives shall either be scheme members or have capacity to represent scheme members of the Fund.

Member representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes shall not be appointed.

Two member representatives shall be appointed following a transparent nomination process which should be open to the Trade Unions and **all** Fund members and be approved by the Administering Authority.

Employer representatives

Employer representatives shall be office holders or senior employees of employers of

the Fund or have experience of representing scheme employers in a similar capacity. No officer or elected member of the Administering Authority who is responsible for the discharge of any function of the Administering Authority under the Regulations may serve as a member of the Board.

Employer representatives should be able to demonstrate their capacity to attend and complete the necessary preparation for meetings and participate in training as required.

Substitutes shall not be appointed.

A total of two employer representatives shall be appointed to the Board from the following sources:

One employer representative shall be an elected member and be appointed by the Administering Authority.

One employer representatives shall be appointed by the Administering Authority having asked all scheme employers to submit their interest in undertaking the role of employer representative on the Board.

Other members

There shall be one other member, with no entitlement to vote, being an independent member appointed by the Administering Authority.

7. Appointment of the Chair

The Chair of the Board will be the independent member whenever that position is filled, or will otherwise be a person appointed from time to time by the Board from the voting members.

In this respect the term independent means having no pre-existing employment, financial or other material interest in either the Administering Authority or any scheme employer in the Fund or not being a member of the Fund.

8. Duties of the Chair

The Chair of the Board:

- (a) Shall ensure the Board delivers its purpose as set out in these Terms of Reference;
- (b) Shall ensure that meetings are productive and effective and that opportunity is provided for the views of all members to be expressed and considered; and
- (c) Shall seek to reach consensus and ensure that decisions are properly put to a vote when it cannot be reached. Instances of a failure to reach a consensus position will be recorded and published.
The term of office for the Chair will be three years.

9. Notification of appointments

When appointments to the Board have been made the Administering Authority shall publish the name of Board members and the appointment processed followed.

10. Terms of Office

From the inception of the Board, the Employer and Scheme Member representatives shall serve as follows:

- First Employer representative – 2 years
- Second Employer representative – 3 years
- First Scheme Member representative – 2 years
- Second Scheme Member Representative – 3 years

Thereafter the employer and Scheme Member representatives will serve for a fixed term of three years which can be extended for a maximum of two periods in total subject to re-nomination.

The independent member shall serve for a fixed term of three years which can be extended for a maximum of two periods in total subject to re-nomination.

Board membership may be terminated prior to the end of the term of office due to:

- (a) A Scheme Member representative appointed on the basis of their membership of the scheme no longer being a scheme member in the Fund;
- (b) A member representative no longer being a scheme member or a representative of the body on which their appointment relied;
- (c) An employer representative no longer holding the office or employment or being a member of the body on which their appointment relied;
- (d) A Board member no longer being able to demonstrate to the Administering Authority their capacity to attend and prepare for meetings or to participate in required training;
- (e) The representative being withdrawn by the nominating body and a replacement identified;
- (f) A Board member has a conflict of interest which cannot be managed in accordance with the Board's conflict policy;
- (g) A Board member who is an elected member becomes a member of the Pension Fund Investment Panel;
- (h) A Board member who is an officer of the Administering Authority becomes responsible for the discharge of any function of the Administering Authority under the Regulations.

11. Conflicts of interest

All members of the Board must declare to the Administering Authority on appointment and at any such time as their circumstances change, any potential conflict of interest arising as a result of their position on the Board.

A conflict of interest is defined as a financial or other interest which is likely to prejudice a person's exercise of functions as a member of the Board. It does not include a financial or other interest arising merely by virtue of that person being

a member of the Scheme.

On appointment to the Board and following any subsequent declaration of potential conflict by a Board member, the Administering Authority shall ensure that any potential conflict is effectively managed in line with both the internal procedures of the Board's conflicts policy and the requirements of the Code.

12. Knowledge and understanding (including Training)

Knowledge and understanding must be considered in light of the role of the Board to assist the Administering Authority in line with the requirements outlined in paragraph 3 above. The Board shall establish and maintain a Knowledge and Understanding Policy and Framework to address the knowledge and understanding requirements that apply to Board members under the Act. That policy and framework shall set out the degree of knowledge and understanding required as well as how knowledge and understanding is acquired, reviewed and updated.

Board members shall attend and participate in training arranged in order to meet and maintain the requirements set out in the Board's knowledge and understanding policy and framework.

Board members shall participate in such personal training needs analysis or other processes that are put in place in order to ensure that they maintain the required level of knowledge and understanding to carry out their role on the Board.

13. Meetings

The Board shall as a minimum meet four times each year.

Meetings shall normally take place in the evenings at Redbridge Town Hall.

The Chair of the Board with the consent of the Board membership may call additional meetings. Urgent business of the Board between meetings may, in exceptional circumstances, be conducted via communications between members of the Board including telephone conferencing and e-mails.

14. Quorum

A meeting is only quorate when at least 50% of both member and employer representatives are present.

A meeting that becomes inquorate may continue but any decisions will be non-binding.

15. Board administration

The Administering Authority shall;

Give notice to all Board members of every meeting of the Board;

Agree with the Chair an agenda prior to each Board meeting.

Issue (where reasonably practicable) the agenda and supporting papers at least five working days in advance of the meeting except in the case of matters of urgency.

Draft minutes of each meeting including all actions and agreements will be recorded and circulated to all Board members as soon as practical after the meeting. These draft minutes will be subject to formal agreement by the Board at their next meeting. Any decisions made by the Board should be noted in the minutes and in addition where the Board was unable to reach a decision such occasions should also be noted in the minutes.

The minutes may with the agreement of the Board, be edited to exclude items on the grounds that they would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A (2) of that Act and/or they represent data covered by the Data Protection Act 1998.

Ensure that Board members meet and maintain the knowledge and understanding as determined in the Board's Knowledge and Understanding Policy and Framework and other guidance or legislation.

Arrange such advice as is required by the Board subject to such conditions as are listed in these Terms of Reference for the use of the budget set for the Board.

Ensure that an attendance record is maintained and arrange for allowances and expenses to be paid under these terms.

16. Public access to Board meetings and information

Board meetings can be open to the general public (unless there is an exemption under relevant legislation which would preclude part or all of the meeting from being open to the general public).

The following will be entitled to attend Board meetings in an observer capacity:

- (a) Members of the Investment Panel,
- (b) Any person requested to attend by the Board.

Any such attendees will be permitted to speak at the discretion of the Chair.

In accordance with the Act the Administering Authority shall publish information about the Board to include:

- (a) The names of Board members and their contact details.
- (b) The representation of employers and members on the Board.
- (c) The role of the Board.
- (d) These Terms of Reference.

The Administering Authority shall also publish other information about the Board including:

- (a) Agendas and minutes
- (b) Training and attendance logs
- (c) An annual report on the work of the Board to be included in the Fund's own annual report.

All or some of this information may be published using the following means or other means as considered appropriate from time to time:

- (j) On the Fund's website.
- (k) As part of the Fund's Annual Report.
- (l) As part of the Governance Compliance Statement.

Information may be excluded on the grounds that it would either involve the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act and/or they represent data covered by the Data Protection Act 1998.

17. Expenses and allowances

No remuneration will be payable to Employer and Scheme member representatives. Representatives will be entitled to claim travel and subsistence allowances (including attending training) at the same rates that are set out in the Member's Allowances Scheme.

The Independent member will be paid an allowance of f500 per meeting attended, and will be entitled to claim travel and subsistence allowances (including attending training) at the same rates that are set out in the Member's Allowances Scheme.

18. Budget

The Board is to be provided with adequate resources to fulfil its role. The budget for the Board will be met from the Fund. The Board will seek approval from the Administering Authority for any expenditure it wishes to make.

19. Core functions

The first core function of the Board is to assist the Administering Authority in securing compliance with the Regulations, any other legislation relating to the governance and administration of the Scheme, and requirements imposed by the Pensions Regulator in relation to the Scheme. Within the extent of this core function the Board will determine which areas it wishes to consider.

The second core function of the Board is to ensure the effective and efficient governance and administration of the Scheme. Within the extent of this core function the Board will determine those areas it wishes to consider.

In support of its core functions the Board may make a request for information to the Administering Authority with regard to any aspect of the Administering Authority's function. Any such request should be reasonably complied with in both scope and timing.

In support of its core functions the Board may make recommendations to the Administering Authority which should be considered and a response made to the Board on the outcome within a reasonable period of time.

20. Reporting

The Board should in the first instance report its requests, recommendations or concerns to the Administering Authority.

On receipt of a report under the paragraph above the Administering Authority should, within a reasonable period, consider and respond to the Board.

Where the board is not satisfied with the response received it may request that a notice of its concern be placed on the website and in the Fund's annual report.

Where the Board is satisfied that there has been a breach of regulation which has been reported to the Administering Authority and has not been rectified within a reasonable period of time it is under an obligation to escalate the breach.

The appropriate internal route for escalation is to the Administering Authority's Section 151 Officer and / or the Monitoring Officer (as appropriate).

The Board may report concerns to the LGPS Scheme Advisory Board for consideration subsequent to, but not instead of, using the appropriate internal route for escalation.

Board members are also subject to the requirements to report breaches of law under the Act and the Code and the whistleblowing provisions set out in the Administering Authority's whistle blowing policy.

21. Interpretation

Any uncertainty or ambiguity or interpretation required relating to any matters contained in this document shall be resolved by reference to the Administering Authority.

Redbridge Education Funding Schools Forum

1. Terms of Reference and Interpretation

1.1. The Redbridge Education Funding Schools Forum ("the Forum") is established by the London Borough of Redbridge ("the relevant authority") pursuant to section 47A of the School Standards and Framework Act 1998 ("the 1998 Act") and Regulations made there under, namely:

- The Schools Forums (England) Regulations 2012:SI 2012/2261 ("the 2012 Regulations")

For the purposes:

Of advising the relevant authority on such matters relating to the authority's schools budget as may be prescribed by regulations under sections 45A(3) and 47A(3) of the 1998 Act;

Of exercising any function that may be imposed on the Forum by virtue of section 45A(4A) or 47(2)(g) of the 1998 Act.

It is required by s47A(3A) to have regard to any Children and Young People's Plan prepared by the Children's Trust Board.

The Forum will also comply with any statutory guidance issued by the Department for Education (DfE) relating to Schools Forums and will have regard to any DfE non-statutory guidance on this subject. Links to the relevant guidance are provided below:

Schools Forums (England) Regulations 2012
[Schools Forums Operational and Good Practice Guide 2015](#)
[Schools Forum Powers and Responsibilities 2015 to 2016](#)

For the purposes of this Constitution and Terms of Reference, the definitions used are those set out in the Regulations detailed above.

2. Constitution/Membership/Substitutes

2.1. Members

The Forum shall consist of the following groups and no more than one third of the total membership shall be non-schools members:

a. Schools Members:

- i. Four representatives of the Local Authority maintained secondary school sector consisting of three head teachers or head teachers representatives and one governor;

- ii. Eight representatives of the Local Authority maintained primary school sector consisting of four head teachers or head teachers representatives and four governors;
- iii. Two representatives of the Local Authority maintained special school sector consisting of one head teacher or head teachers representative and one governor.
- iv. One representative of the Local Authority maintained pupil referral units consisting of one representative appointed by the Governing Body/Bodies of pupil referral units.

b. Academies Members:

Three representatives of academy schools - appointed by the proprietors of the academies.

c. Non-Schools Members:

- i. One representative appointed by the Roman Catholic Diocese of Brentwood ("the Catholic Diocese");
- ii. One representative appointed by the Church of England Diocese of Chelmsford ("the Church of England Diocese");
- iii. One representative appointed by the United Synagogue Agency for Jewish Education ("the United Synagogue");
- iv. One representative to represent 16 to 19 education providers ;
- v. Two representatives from the PVI providers (private, voluntary and independent providers of nursery education for 3-4 year olds, other than primary schools);
- vi. One representative from the Hindu I-Foundation.

Note: The authority may not appoint any executive member or relevant officer (defined in the regulations) of the authority to their Forum as a non-schools member.

2.2. Substitutes

To maximise representation at each meeting of the Forum, substitute members shall be appointed who will be available to attend in the event that a member or members are unable to attend.

Each sector sub group shall be responsible for appointing substitute members. The number of substitute members will be proportionate to the size of the sector sub group in the following proportions:

| | |
|----------------------------|---------------|
| Secondary | 2 substitutes |
| Primary | 2 substitutes |
| Special | 1 substitute |
| Academy | 1 substitute |
| Pupil Referral Units | 1 substitute |
| Catholic Diocese | 1 substitute |
| Church of England Diocese | 1 substitute |
| United Synagogue | 1 substitute |
| 16 - 19 Education Provider | 1 substitute |
| PVI | 2 substitutes |
| Hindu I-Foundation | 1 substitute |

The term of office substitute members shall be three years from the date of appointment.

If a member is unable to attend any meeting of the of the Forum, the member will be responsible for identifying a substitute member of the relevant sector sub group and nominating them to attend in their place. A member can only nominate an appointed substitute member to attend in their place.

The substitute member's name, and the name of the member for whom he or she is substituting, must be advised at the beginning of the meeting, and once a substitution has been made it may not be rescinded at the meeting.

The substitute member then has the same status at the meeting as any other member of the Forum, except that he or she may not chair the meeting.

A member of whom a substitute member is attending a meeting may not take any part in the discussion or voting at that meeting after the Forum has been advised of the attendance of the substitute member.

3. Restrictions on members of the Forum and rights of participation

- 3.1. Executive Members and officers of the authority who are not members of the Forum are restricted in taking part in meetings of the Forum. Their attendance is permitted if invited by the Forum to provide financial or technical advice. Where an officer is presenting a report, their participation is limited to their specific agenda item.
- 3.2. A representative of the Education Funding Agency may attend Schools Forum meetings as an observer and speak to provide support and a national perspective if required.

4. Election and appointment of members of the Forum and maintenance of records

- 4.1. An annual review of attendance and membership based on pupil numbers will be undertaken and reported to Schools Forum in two separate reports.
- 4.2. The Clerk of the Forum will notify the appropriate sector sub group at least one calendar month before the expiry of a term office of a member or in the event of a casual vacancy of a member. The procedure for electing and nominating members of Forum will be as set out below.
- 4.3. Elections/nominations undertaken by the sector sub group

The Authority will set a date by which the election and nomination of a member should be notified by the following groups:

- 4.4. Each school sector sub group, academy sector and the 16- 19 education provider, represented in the constitution will be responsible for the method by which it elects and nominates its senior staff member representatives. In the event that an election and nomination is not completed by this date or a tie is reached in an election between two or more individuals, the Authority shall nominate a representative to represent the appropriate sector sub group.
- 4.5. The Catholic Diocese, the Church of England Diocese, the United Synagogue, any other appropriate religious body and the PVI providers shall be responsible for the method by which each elects and nominates its non-schools member(s). In the event that a nomination is not received by the Authority before the date set, a vacancy will be carried in the appropriate sector sub group until a nomination is received.
- 4.6. Elections/nominations administered by the Authority

The Authority will undertake a nominations process for schools governor members, by writing to all individuals eligible for election. Where one nomination is received, the individual will be duly elected. In the event that two or more nominations are received, the Authority shall undertake an election, based on a simple majority of eligible voters in the relevant sector. In the event of no nominations being received or a tie in votes for two or more individuals, the Authority shall nominate the member for the relevant sector sub group.

- 4.7. The term of office of each member of the Forum shall be three years from date of appointment/election.
- 4.8. A member can resign their membership of the Forum by giving notice in writing to the Clerk of the Forum.
- 4.9. When a Governor ceases to hold office as a Governor within the category that they represent at Forum (e.g. primary) because of their resignation or because their term of office has ended and they are not re-elected, the individual concerned must advise the Clerk of the Schools Forum of this change. As a result of this change, their term of office on the Forum will cease.
- 4.10. A non-schools member can, at the request of the body which the member represents, be replaced by the Authority, by another person nominated by that body.

- 4.11 The Clerk of the Forum shall make and maintain a written record of the composition of the Forum and the methodology adopted by each sector sub-group for electing and nominating its members and the manner in which the relevant authority seeks nominations for the non-schools members.

5 Conduct of Business

- 5.1 The agenda for each Forum meeting shall be despatched by the Clerk of Forum five working days in advance of the meeting and published on the Council's website.
- 5.2 The quorum for meetings shall be that stipulated in Regulation 8(3) of the 2012 Regulations, namely at least two-fifths (40%) of the total membership (excluding vacancies). Under the existing membership, eight Forum members must be present for the meeting to be quorate. Where a meeting is inquorate, though it can proceed, it cannot legally take decisions.
- 5.3 The proceedings of the Schools Forum are not invalidated by any vacancy among their number, any defect in the election or appointment of any member or any defect in the election of the chair. Nor does the existence of any vacancy on the Schools Forum invalidate proceedings.
- 5.4 The Chair will decide how the meetings will be conducted and the Chair's rulings on matters during a debate will not be open to challenge at the meeting.
- 5.5 Members are required to declare if they have a personal pecuniary or non-pecuniary interest in any item or discussion on the order of business. Members declaring an interest will be asked to excuse themselves from the meeting for that particular item.
- 5.6 Following each meeting of the Forum, the Clerk of the Forum shall type the minutes and circulate them to those members present at the meeting. At the next meeting, the minutes shall be approved and the Clerk of the Forum shall publish them on the Council's website.
- 5.7 Members of the public or non-members of the Forum not covered by section 3 of this document shall be permitted to attend Forum meetings as an observer, subject to prior notification to the Clerk of the Forum. Observers such as these shall be seated separately and not permitted to speak at Forum meetings unless invited to speak by the Chair. Observers invited to speak shall be restricted to a maximum of 2 minutes each and not permitted to speak again at that meeting (except to answer questions directed to them by Forum members).
- 5.8 The Chair may, after giving warning, order any member or observer to leave the meeting if acting disorderly or disrespectfully. Misconduct will include interruptions, shouting, arguing and/or dissent after the Chair has ruled on a matter.
- 5.9 In the event of an urgent item requiring a decision or formal view before a meeting of Forum can be held, the Authority can undertake this process by email or postal correspondence with all members of the Forum. This procedure shall only be applied in exceptional circumstances, where a genuine business need exists and after discussion with the Chair of the Forum.

- 5.10 The Schools Forum will meet at least four times a year and all meetings will be public meetings.

6. Voting

- 6.1 Matters of Forum business which require a vote shall be determined on the basis of a simple majority, with one vote for each member eligible to vote.
- 6.2 Voting on matters that affect the Local Schools Funding Formula will be limited to schools members set out in 2.1a, academy members as set out in 2.1 b and only those non-school members who represent early year's providers. Such items will be identified as pertaining to the funding formulae.
- 6.3 Voting on the de-delegation of funding with regards to services provided centrally is limited to the relevant Schools Forum members in the relevant phase i.e. primary or secondary. The decision would apply to all maintained schools in that phase.
- 6.4 Voting on all other areas of Forum business will include representation from schools, academy and non-schools members as set out in 2.1a, 2.1 b and 2.1c.
- 6.5 For the purposes of this section any reference to a member shall be a reference to that member's substitute as nominated under paragraph 2.2.
- 6.6 In the event of an equality of votes, the Chair shall have a casting vote.
- 6.7 Where a member declares a personal interest in an item on the order of business according to point 5.4, they may not participate in any vote on that particular item.
- 6.8 In the event of an urgent business need under paragraph 5.8, a formal vote of eligible Forum members can be undertaken by email or postal correspondence.

7. Election of Chair and Vice-Chair

- 7.1 At the inaugural meeting and annually thereafter at the first meeting of the financial year (as appropriate), the Forum shall elect one of its members to be Chair and one Vice-Chair. This shall be decided by a majority decision with the candidate receiving the most votes deemed to be elected. The Chair and Vice-Chair shall remain in post until the first meeting of the next financial year.
- 7.2 This shall be the second item of business on the agenda, after apologies for absence, of the first meeting of each financial year.
- 7.3 If a casual vacancy should occur in the office of Chair or Vice-Chair, then at its next meeting the Forum shall elect a replacement.
- 7.4 In the absence of the Chair, the Vice-Chair shall assume the chair for any relevant Forum meeting.

7.5 The Chair shall have no power to take any actions or decisions outside of Forum meetings, but can give the Authority a view on an urgent issue outside of meetings.

7.6 The member of the Forum may not elect as chair any member of the Forum who is an elected member or officer of the authority.

8. Working Groups of the Schools Forum

8.1 The Forum shall be entitled to set up working groups of its members to consider and report back to the Forum on any matters falling within the Forum's responsibilities. The Forum shall decide the membership and terms of reference of each such working group.

DRAFT

Corporate Panels

Commissioning Panel – ToR review required and inserted into constitution

Corporate Parenting Advisory Panel

To make recommendations to the executive on Forward Plan executive reports relating to the following matters:

- The provision of services for vulnerable children and young people in Redbridge, specifically looked after children and those subject to child protection plans, by receiving reports from the Director, Children & Families and the Local Safeguarding Children Board;
- Individual sensitive cases or issues;
- The Council's Corporate Parenting Policy;
- Performance targets and Children and Young People's Plan (CYPP) priorities so far as they relate to vulnerable children and young people;
- The consideration of new initiatives intended to improve the health, education and well-being of children in care;
- The promotion of opportunities for looked after children, i.e. through mentoring work experience and job opportunities;
- To consider strategic and policy developments relating to the needs of children looked after.

Fairlop Gravel Advisory Panel

To make recommendations to the executive on the extraction of gravel at Fairlop Plain and, in particular, in respect of the following matters:

- a) Progress and quality of restoration and after care for previous areas of gravel extraction at Areas A, B, C and D;
- b) Progress and quality of preparatory works, gravel extraction, restoration and after care for any future phases of gravel extraction.

Public and Voluntary Sector Corporate Panel

To make recommendations to the executive on Forward Plan executive reports on the development of effective working relationships between statutory organisations and voluntary and community groups operating in the Borough in order to achieve the Ambitions of the Sustainable Community Strategy.

Strategic Planning Corporate Panel

1. To consider a range of views on issues relating to Strategic Planning matters with a focus on strategic planning matters which will generally be of borough-wide significance including any Local Plan review and issues with SYHLS.
2. To monitor key stages in the preparation of Local Development Documents including in respect of its role in considering periodic reports on Local Plan matters appearing on the Forward Plan for executive decision-making.
3. Act as an advisory Panel to Cabinet in relation to the above.

The Panel shall endeavour not to duplicate the work of the Overview and Scrutiny Committee or its Task and Finish Groups.

Section 2: Rules applying to all formal meetings

2.1: Interpretation

1. These Procedure Rules shall apply to meetings of Council, Cabinet, Committees and Sub-Committees. They shall not apply to any bodies that do not meet that description.
2. Separate Procedure Rules exist for the conduct of meetings of Full Council. Separate Procedure Rules exist for the conduct of meetings of Cabinet and of Committees of Council. Some committees have their own more detailed rules of procedure – for example, to govern the taking of quasi-judicial or regulatory decisions.
3. In setting these combined Rules, the Council acknowledges that Cabinet is a body established under the Local Government Act 2000 as part of Executive arrangements. Other committees are established as committees of the Council under the Local Government Act 1972, and/or may be established and may have powers conferred by other legislation.
4. In these combined Rules, the word “committee”, used in reference to meetings, shall be taken as including meetings of Cabinet unless expressed otherwise.
5. In these combined Rules, the word “member” or “committee member” shall be taken as including members of bodies who are not councillors (for example, independent persons or persons co-opted onto bodies).
6. These combined Rules include additions relating to aspects of procedure at Cabinet and certain other meetings.
7. These Rules should be read in conjunction with other parts of the constitution as referenced.
8. All of these Rules provide more information as to the transaction of business in the bodies to which they relate.

2.2: Suspension of Procedure Rules

1. Where the law permits, the Chair of a meeting may, (on the advice of the Monitoring Officer or of a suitable qualified constitutional officer present at the meeting), suspend certain Procedure Rules. This reflects subsection xx, which sets out the discretion of the Chair in making arrangements for the discharge of their duties.

Certain rules not to be suspended

2. There are certain Procedure Rules which cannot be suspended (particularly related to business carried out at Full Council), because they are required to be in place by the law. These are highlighted in the list of rules that follow in two ways:
3. Where all the Rules set out in a particular section may not be suspended as a matter of law, with the words, “*These Rules cannot be suspended*” at the start of the section;
4. Where some of the Rules set out in a particular section may not be suspended, but some may be suspended, the words, “*Some of these rules cannot be suspended*” at the beginning of the section, and individual paragraphs/rules which cannot be suspended are highlighted

in the text that follows.

Arrangements for suspending Rules, where suspension is permitted

5. Where any of the Rules set out in a particular section may be suspended, the rules are set out without any qualification.
6. Where permitted, Rules may be suspended by way of a motion, which may be made on notice or without notice. Suspension must only be agreed, further to the advice of the Proper Constitutional Officer on the appropriateness of such suspension, and if at least one half of all of the members of the body in question are present. Suspension can only be for the duration of the meeting.

Amendment to Rules

7. Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to be considered by the Constitutional Review Working Group for report to the next meeting of the Council. Any proposals for substantive amendment to the constitution that arise from this consideration shall be dealt with in accordance with Article 12 of the Constitution.

2.3: Notice and summons of meetings

These rules cannot be suspended

1. The Monitoring Officer will give notice to the public of the time and place of any meeting in accordance with the access to information rules.
2. At least five clear working days before a meeting, a summons shall be sent to all members of the committee, or Cabinet, or Full Council, which will include the agenda of the meeting with a covering note setting out the date, time and location of the meeting. The summons may be sent by electronic communication, (where the member has presently consented to it being transmitted by this method), or by post. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.
3. In the case of all meetings, to include Full Council, the summons will be signed by, and issued in the name of, the Monitoring Officer.

Electronic summons

4. A member may consent to receiving a summons by electronic communication by informing the proper constitutional officer.
5. Members' requests to change their method of receipt must be submitted in writing to the proper constitutional officer. Once a request is granted, the member will be sent an electronic summons for all bodies of which they are a member until they specify otherwise, including of bodies of which they were not a member when the original request was made, but to which they are later appointed.
6. A minimum of five clear working days must elapse from the date of receipt of such a request before it becomes effective.

Time and place of meetings

7. Unless the meeting, or the Chair, shall decide otherwise (further to advice from the Monitoring Officer), all evening meetings shall commence at 7pm.
8. The ordinary place of meeting for committees shall be Town Hall, 128-142 High Road, Ilford, Essex, IG1 1DD unless otherwise specified in the summons.
9. Meetings may only be convened at less than five clear working days' notice where by reason of special circumstances, which shall be specified in the summons, the meeting is required to be called at that time as a matter of urgency.

2.4: Dates and frequency of meetings

1. Meetings will take place in accordance with a programme presented at the Council's Annual General Meeting. The frequency of meetings shall be as set out in the terms of reference for committees at section xxx.
2. The Mayor, in respect of meetings of Council, or the Chair of a committee or sub-committee, may, following consultation with the Monitoring Officer, amend the dates and times of forthcoming meetings of Council / their committee.
3. The Chair of a committee or sub-committee may, on advice of the Monitoring Officer, call a special meeting of the committee or sub-committee at any time, or in exceptional circumstances to change the date and venue of a meeting following the issue of the summons where such a change is unavoidable as long as all legal requirements are satisfied. Additional meetings of Council may only be called under the "extraordinary meetings" provision at Rule xxx.

Cancellation of meetings

4. The Mayor, (in respect of Council meetings), or the Chair, (in respect of other meetings), may, following consultation with the Monitoring Officer, and in exceptional circumstances cancel a meeting, (if a summons has not yet been issued), or direct that an ordinary meeting of the relevant committee or sub-committee be not called.

2.5: Quorum

These rules cannot be suspended

1. No business shall be considered unless 25% of the voting membership is present in the meeting room but no fewer than two, whichever is the higher figure.
2. This rule shall apply except for the following meetings for which the quorum is as follows:

| | |
|---------|--|
| Council | <p>16 members (accounting for the nearest whole number to 25% of members of the Council)</p> <p>If more than one third of members of the Council are disqualified, the quorum of the Council shall be determined by reference to the number of members of the Council remaining qualified instead of by reference to the whole</p> |
|---------|--|

| | |
|--|--|
| | <p>number of members of the Council. The quorum shall then be one-quarter of the members of the Council who remain qualified.</p> <p>If fewer than one third of members of the Council have been disqualified, the quorum shall remain 16.</p> |
| Cabinet | 25% of the membership, or three members |
| Licensing Sub-Committees | Three members |
| Standards Sub-Committee (to consider complaints of misconduct against members) | Three members |
| Health and Wellbeing Board | 25% including at least one Councillor who is a Cabinet member and one representative from the Integrated Care Board |

3. If the Chair considers the meeting to be inquorate, the meeting shall stand deferred for 15 minutes. If after 15 minutes' deferment, there is still no quorum then the consideration of any business not transacted shall be held over to the next ordinary meeting of the committee, unless the chair fixes an alternative date.

Quorum at start of meeting

4. The meeting shall commence as soon as there is a quorum, following the time at which the meeting has been appointed to be held.

2.6: Support provided by constitutional officers

1. All meetings of the Council, its committees, and of Cabinet and its committees, are to be clerked by a representative of the proper constitutional officer, with minutes to be produced including details of members attending each meeting and details of decisions taken. Copies of all agendas and minutes are to be maintained by the proper constitutional officer.

2.7: Agreement and signing of minutes, and keeping of records

Some rules in this section cannot be suspended

Minutes

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

No requirement to sign minutes of previous meeting at extraordinary meeting

This rule cannot be suspended. This is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 1993.

2. Where, in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an extraordinary meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

Recording of petitions, questions, motions, amendments and votes

3. A record of the date of receipt of all motions, petitions, amendments and questions received is to be kept by the proper constitutional officer which shall be open to inspection by every member of the Council.

2.8: Powers of the Chair

This rule cannot be suspended

1. The Chair of the meeting shall decide, having taken the advice of the Monitoring Officer, all matters of order, competence, relevancy and interpretation of Procedure Rules relating to the conduct of the meeting.

2.9: Conduct at meetings and disruptive behaviour

These rules cannot be suspended

Equality and diversity

1. Committees shall conduct their business in a way that:
 - a) promotes equality of opportunity between individuals and treats all people with dignity and respect
 - b) avoids and eliminates discrimination of any kind
 - c) promotes good relations within the community between members of different groups, and encourages the active participation of all.

Conduct overall

2. Councillors should have regard, in considering their personal conduct, to the expectations set out in Part 2, Section 1, Subsection B and the Members' Code of Conduct.
3. Everyone present at the meeting must:
 - a. treat other participants with courtesy and respect
 - b. refer to other members of the committee as "Chair" or "Councillor", as the case may be, and use appropriate forms of address for other participants
 - c. refrain from comments of a personal nature about another Councillor, about an officer or about another participant in the meeting
 - d. not attribute improper motives to a Councillor or officer (whether or not present at

- the meeting), and not do so in relation to another participant in the meeting
- e. be sensitive to the needs of those participants who are not used to speaking in public, or whose first language is not English
 - f. conduct themselves in a way that does not cause offence to others, or limits in any way, others' ability to participate in meetings
 - g. refrain from using unbecoming language
 - h. only speak when called on by the Chair and speak through the Chair, having first raised their hand to indicate a wish to speak.
 - i. direct contributions to the matter under discussion.
4. At meetings of Council, when the person presiding / the Chair rises, any member speaking shall immediately sit and be silent.
 5. Unacceptable conduct includes:
 - a) using abusive or unbecoming language or making comments of a personal nature about another person
 - b) discriminatory or other derogatory remarks or actions
 - c) behaviour that intimidates any person present at the meeting
 - d) preventing others from expressing their views by interrupting or talking while they are speaking
 - e) attributing improper motives to others
 - f) failure to comply with the procedure rules
 - g) treating Council officers disrespectfully, either individually or as a group, when speaking to them, or about them
 - h) making comments that relate to an investigation by (whether complete or not), or ruling of, the Standards (Hearings) Sub-Committee insofar as those comments relate to the behaviour or conduct of an individual Councillor or Councillors.
 - i) Ignoring, or not accepting, the authority of the chair.
 5. No member shall mislead the Council on a matter of fact. If a misleading statement is made, the member shall inform council at the earliest opportunity and offer a correct statement.
 6. A member who knowingly makes a misleading statement to Council may be regarded as bringing the Council and its proceedings into disrepute. If this is the case, then a breach of the members' code of conduct is likely to occur.
 7. Members should have regard to their use of social media, and other forms of electronic communication, within and around meetings. Members have an obligation to pay close attention to the proceedings of meetings they attend, and to demonstrate that they are playing an active part in the meeting.
 8. They must also be mindful of the need to have regard to documents supporting agenda items in reaching decisions on those items. And they should at all times show respect and courtesy to other participants. Any use of modern media tools by participants in meetings should be considered in these contexts.

Disruptive behaviour

9. In the event that a member (including in the case of a committee, a member who is not a

member of the committee) fails to comply with any requirement of the Members' Code of Conduct, with any of the Procedure Rules and/or any ruling of the Chair:

- (a) the person presiding may order them to end their speech, if they are speaking;
 - (b) the person presiding, or any other Councillor, may move that the Councillor "be not further heard". If any such motion is seconded, it must be decided without debate. If carried, the named Councillor may not then speak further at that meeting;
 - (c) the person presiding may move that the Councillor "do leave or be removed from the meeting" for a specified period of time (which may extend to the rest of the meeting). Any such motion must be decided without seconding or debate. If carried, the named Councillor shall leave or the person presiding shall order their removal.
10. A witness, or other speaker, contributing to the meeting may also be so directed.
 11. Where a motion under paragraph xxx above has been carried and the named Councillor continues to fail to comply with this Code of Conduct, the person presiding may suspend the meeting for such period as they consider appropriate.
 12. In the case of a member of the public disrupting the meeting or if there is a general disturbance, the Chair may order the removal of a person or that the public areas be cleared. Re-admission shall be at the discretion of the Chair.
 13. In the event of a general disturbance making orderly business impossible, the Chair may adjourn the meeting for as long as they think necessary for order to be restored. Alternatively, the Chair may decide to conduct the remainder of the business of the meeting in a different meeting room, with a restriction on access to the public.
 14. In very limited circumstances, the Chair, on the receipt of advice from the Monitoring Officer, may refuse entry to a specific individual or group of individuals to a meeting – including pre-emptively. These circumstances and the rules relating to them are set out at Part 3, Section 2, subsection B ("Disruptive behaviour")

2.10: Members' attendance

1. A record will be kept by the Monitoring Officer of the names of Members and substitute Members attending each Council, Cabinet and Committee meeting.
2. Every Member and Substitute Member attending a meeting on an approved duty will indicate their presence on the Attendance Sheet provided.
3. The total number of these meetings attended by each Member during the year will be reported to the Annual Meeting of the Council by the Monitoring Officer.

Absence from Meetings

4. If a Councillor does not attend any meeting of the authority for six consecutive months, they will cease to be a Member of the authority (s85 Local Government Act 1972).
5. For the purpose of this rule, a meeting is defined in the Act as one where a Councillor is:

- a. In attendance as a member of Full Council, any committee or sub-committee of the authority, any joint committee or board, or other body by whom the functions of the authority are being discharged;
 - b. In attendance as a member of any body appointed by the authority to advise them on any matter relating on the discharge of their functions;
 - c. In attendance as a representative of the authority at a meeting of any body of persons; or
 - d. In the case of a Cabinet Member, in attendance at a meeting of the Cabinet or when acting alone in the discharge of any function of the Executive
6. The above rule will not apply to non-attendance:
- a. during war or an emergency, as defined in the Local Government Act 1972, Section 85;
 - b. where the Council approves the absence at any point before the expiry of the six-month period.

2.11: Recording and broadcasting proceedings

1. General rules relating to recording and broadcasting can be found in Part 3 Subsection C.
2. As part of their duties, the Chair will be responsible, at the outset of each meeting, for reminding all present that the proceedings may be recorded, filmed or published by other electronic means. The Chair should remind Members of this at the start of each meeting, and also of the need for business to be confined to the listed agenda items and their related papers.
3. Members of the public or media are encouraged to contact the relevant officer (i.e. proper constitutional officer) in advance of the meeting should they have any specific requirements.
4. The Mayor or committee Chair has the discretion to terminate or suspend the recording or photograph or filming if, in the opinion of the Mayor or committee Chair, continuing to do so would prejudice the proceedings of the meeting.
5. This shall be limited to the circumstances below:
 - a. Public disturbance or suspension of the meeting (including any oral reporting or oral commentary as the meeting takes place which is prohibited)
 - b. Exclusion of public and press being moved and supported
 - c. The Chair, on advice of the Monitoring Officer, considering that continued recording/photograph/filming/webcasting might infringe the rights of any individual
 - d. The Chair, on advice of the Monitoring Officer, considering that a defamatory statement has been made.

Members of the Public and media representatives

6. No restrictions will be placed on members of the public or the media attending meetings in relation to the use of social media or still photography, otherwise than for non-reporting related commercial purposes, provided that their actions do not adversely affect the conduct of the meeting.

2.12: Declaration of interests

This rule cannot be suspended.

1. Councillors shall abide by the members' code of conduct and other rules in place to ensure that interests are registered. It is the responsibility of every Councillor to declare an interest by the time the relevant item of business is reached.
2. Members should have regard to the rules relating to the registration and disclosure of interests set out in Part 2, Section 3.
3. The declaration of any personal interest shall be recorded in the minutes of the meeting, including whether the Councillor remained present or withdrew from the meeting for the duration of the discussion.

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Section 3: Council Procedure Rules

3.1: Notice and summons of meeting

This rule cannot be suspended.

1. For the avoidance of doubt, the rules in Section 2 applying to all formal meetings shall apply to Full Council meetings. The following rules shall additionally apply.

Meetings convened at short notice

2. Meetings of the Council may only be convened with less than five clear working days' notice because special circumstances, set out in the summons, require the meeting to be called as a matter of urgency. Such meetings will be extraordinary meetings (and subject to the procedure set out in xxx below for such meetings).

3.2: Chair of meeting

This rule cannot be suspended.

1. The Mayor must chair the meeting. In their absence, the Deputy Mayor must Chair. If both are absent the Chief Executive will start the meeting, and the first item of business will be the election of a member to preside. The person presiding at the meeting may exercise any power or duty of the Mayor.

3.3: Order of business at meetings

1. There shall be four types of Council meetings.
 - Ordinary meetings, which are convened in line with the timetable agreed by Council at the beginning of the municipal year. Arrangements for these meetings can be found at xxx.
 - Extraordinary meetings, which are convened to ensure that the Council may consider a report, or take a decision, which it is required to make by law, and which is of such urgency that it is not possible for that business to be considered at the next ordinary meeting. Extraordinary meetings may only consider the urgent matter for which they have been convened. Arrangements for these meetings can be found at xxx.
 - Budget meetings, which are convened in order for the Council to agree its Budget and Policy Framework. Arrangements for these meetings can be found at xxx.
 - Annual meetings, where a new Mayor is elected, the membership of committees is decided and other ceremonial business is undertaken. Arrangements for these meetings can be found at xxx.
2. The order of business may be varied, at the discretion of the Mayor, in line with the Rules set out in subsection D.

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| <p>Ordinary meetings of Council</p> <p>Scheduled in the Council's calendar of formal meetings</p> | <ul style="list-style-type: none"> a) elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside b) apologies for absence c) declarations of interest d) correspondence e) approval of the minutes of the last ordinary meeting and of any extraordinary or special meetings of the Council that have been held since the last ordinary meeting f) Mayor's announcements: receive any announcements from the Mayor g) receive tabled questions from, and provide answers to, the public in relation to matters, which in the opinion of the person presiding at the meeting are relevant to the business of the meeting and relate to the powers, functions and responsibilities of the Council; h) receive petitions from Members, if any i) receive deputations, if any receive officer reports for decision j) receive reports referred to Council by other bodies for decision k) Statements to Council Wherever possible statements should be in writing and circulated at the start of the meeting l) receive questions asked on notice from Councillors to the Leader and other Cabinet members relating to the Council's powers, functions and responsibilities m) receive and consider business motions n) consider urgent business, if any o) consider any confidential business where the public are excluded from the meeting. |
| <p>Extraordinary meetings</p> <p>May be requested (with reasons) by:</p> <ul style="list-style-type: none"> • the Council by resolution • the Mayor, on the advice of the monitoring officer • the Chief Executive, who may call an extraordinary meeting at any time | <p>Extraordinary meetings may only consider the following business:</p> <ul style="list-style-type: none"> • elect a person to preside if the Mayor is not present and the Deputy Mayor is not chosen to preside • receive any declarations of interests from Members • consider the specific business identified as the reason for calling an extraordinary meeting |

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| <ul style="list-style-type: none"> the Monitoring Officer or s151 officer but only as required to fulfil their duties to present statutory reports to Council | |
| <p>Budget meeting</p> | <ul style="list-style-type: none"> a) Apologies for absence b) Declarations of interest c) Correspondence d) Mayor's announcements e) Deputations g) Reports relating to the Council's Budget and rate of Council Tax i) Motion to exclude the public |
| <p>Annual meeting</p> <p>Must be held every year.</p> <p>In a year of ordinary elections of councillors to the council, the annual meeting shall be held on the eighth day after the day of retirement of councillors or such other day as the council may fix within the twenty-one days immediately following the ordinary day of election.</p> <p>The annual meeting shall in all other years be held in the month of May, except when re-arranged (so long as it is held in March, April or May).</p> | <ul style="list-style-type: none"> a) elect a person to preside if the outgoing Mayor is not present b) apologies for absence c) declarations of interest d) Election of Mayor for the Municipal Year e) Vote of thanks to retiring Mayor f) Vote of thanks to retiring Deputy Mayor and retiring Deputy Mayor's Consort g) Mayor's announcements h) elect the Leader (only in the year following the ordinary elections) i) Annual address of the Leader j) receive a report from the Leader on the determination and allocation of executive functions to members of the cabinet (following ordinary elections). <i>This report is for noting, not approval, given that the appointment of the Cabinet is an executive function</i> k) Receive the record of Members' attendance for the prior municipal year l) Establishment of and appointments to committees and other bodies, and the calendar of meetings m) receive a report from the proper constitutional officer on the appointment of representatives to outside bodies and joint committees. <i>This report is for noting, not approval, given that the appointment to outside bodies and joint committees is a Leader decision.</i> n) consider other business specified in the agenda (if any) |

| | |
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| | o) consider any matters of urgency not specified in the summons. |
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3.4: Variation in order of business

1. Business falling under Council Procedural Rule C will not be displaced but, otherwise, the order of business may be varied by:
 - a) the Mayor, at their discretion, in order to ensure the effective conduct of the business of the meeting, and on the advice of the Monitoring Officer
 - b) a resolution passed on a motion, which shall be subject to the advice of the Monitoring Officer and which shall be put without debate.
2. However, should no decision be made as to the election of the Mayor at the annual meeting, this shall be the first item of business to be considered at any other subsequent meetings.

3.5: Closure of the meeting

This rule cannot be suspended

1. Under certain circumstances, set out in these rules, a process will exist whereby the meeting will be closed automatically, subject to certain provisions, after the meeting has been going on for a set amount of time. This process shall be known as the "guillotine".

For ordinary meetings, extraordinary meetings and budget meetings

2. The guillotine shall take effect three hours after the start of the meeting.
3. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
4. Where there is outstanding business at the time when the guillotine takes effect, it will be introduced and a vote taken on any recommendations without debate and without amendment or it may be referred to an appropriate committee by the Mayor. The following outstanding business shall be considered and put to the vote without debate:
 - a. any business required by statute
 - b. approval of minutes of Council
 - c. each individual report with a recommendation, be it from the Cabinet, a committee or an officer
 - d. any motions yet to be put
 - e. any other business accepted by the Mayor on advice of the monitoring officer as late and urgent business.

Process for dealing with any outstanding business (Ten minute debate rule)

5. The agenda of meetings of Council will be organised, and the meeting managed by the Chair, to ensure that matters on which substantive debate is necessary in the interests of good governance are considered. This includes ensuring that business set out on the agenda can be concluded in advance of the guillotine coming into effect. These provisions to not

apply to business motions given on notice.

6. In some cases, concluding the transaction of any outstanding business will still require that Councilors have the opportunity to debate an issue. This may be because debate is required in order to ensure that a decision or resolution on the matter in question meets the requirements of the decision-making principles or the requirements of law.
7. The Mayor shall determine on the advice of the Monitoring Officer whether, in respect of any individual item, such further debate may be required.
8. If the Mayor so determines, any relevant item of business specified in Paragraph 4 of this subsection shall be afforded up to a maximum of 10 minutes for debate.
9. If the matter is not concluded within that time the Mayor shall, if appropriate, call upon the mover of the substantive motion to exercise their right of reply and a vote shall be taken.
10. In circumstances where the Council is legally obliged to make a decision, but the motion or recommendation voted upon is lost, the Mayor will take motions from the floor without notice, each allocated up to a maximum of 10 minutes, until a decision is reached.

Motions not dealt with

11. If there are motions or other business still outstanding at the fall of the guillotine then, subject to Council Procedure Rule xxx all other motions or business not considered shall be put to the vote without debate unless the Mayor decides to refer it to a relevant committee.

Extension of guillotine rule

12. The guillotine rule can be extended for up to a maximum of 30 minutes only, save for budget Council

For Annual Council

13. The guillotine shall take effect one and half hours after the start of the meeting.
14. A bell will be rung once the guillotine is reached and the member speaking must immediately sit down.
15. The following outstanding business shall be considered:
 - a. any business required by statute
 - b. approval of minutes of council
 - c. each individual report with a recommendation, be it from the Cabinet, committee or officer
 - d. any other business accepted by the Mayor on advice of the monitoring officer as late and urgent business.

Process for dealing with any outstanding business

16. Each item of business specified in xxx and still outstanding at the fall of the guillotine, shall be put to the vote without debate.

3.6: Procedural motions without notice

1. The following procedural motions may be moved without notice:

| Motion | When the motion can be moved |
|---|--|
| 1.1. To appoint a Chair | When the position of Chair is vacant, which may be at the beginning of the meeting or when the Chair is vacated for any reason. |
| 1.2. In relation to the accuracy of the minutes | When the meeting is due to consider and agree the minutes of the last meeting. |
| 1.3. To change the order of business in the agenda | At any time other than during debate |
| 1.4. To refer something to an appropriate body or individual | At any time other than during debate (During debate, a proposal to refer something to an appropriate body or individual would be moved as an amendment to the substantive motion and hence dealt with under the rules relating to amendments to motions). |
| 1.5. To appoint a committee, or a Member to a specific position, arising from an item on the meeting's agenda | When the matter in question is under discussion by the meeting |
| 1.6. To receive reports or adoption of recommendations of committees or officers, and any resolutions following from them | Immediately following the presentation by the Chair of such reports and moving of such recommendations, without debate except where an amendment has been received in line with XXX |
| 1.7. To withdraw a motion (including withdrawing a motion that has been made on notice) | During a debate (After a motion has been made, and only by the proposer. Motions cannot be withdrawn once approved by Council.) |
| 1.8. To amend a motion (in the case only of a motion made without notice) | During a debate (After a motion has been made. Motions cannot be amended once approved by Council.) |

| | |
|--|---|
| | Amendments to motions must be dealt with through the procedure described in Rule xxx.) |
| 1.9. To proceed to the next business | At any time |
| 1.10. That the question now be put (closure motion) | During debate, subject to Rule xxx |
| 1.11. To adjourn a debate (closure motion) | During debate, subject to Rule xxx |
| 1.12. To adjourn the meeting (closure motion) | During debate, subject to Rule xxx At any time, subject to the discretion of the Mayor |
| 1.13. To end the meeting (closure motion) | In line with the Rule in 6.xx |
| 1.14. To suspend a particular Rule | Limited to those Rules which can, according to the Constitution, be suspended |
| 1.15. To exclude the public and press in accordance with Part 2 (Rights of the Public) | At any time |
| 1.16. To give the consent of Council, where consent is required by the Constitution | At any time other than during debate |
| 1.17. That a Member not be heard further | At any time, subject to Rule xxx |
| 1.18. That a Member be excluded from the meeting | At any time, subject to Rule xxx |
| 1.19. In any other circumstances where the Mayor considers it appropriate | At any time, at the discretion of the Mayor |

2. Procedural motions shall not be debated and will, having been seconded, be immediately put to the vote by the Chair.

3.7: Rules of debate

Some of the rules in this subsection cannot be suspended. These rules cover the rules of debate for ordinary meetings.

Chair to call member to speak

This rule cannot be suspended.

1. A Councillor may indicate their desire to speak by standing, unless unable to do so, in which case the Mayor may (where notified of this prior to the meeting) make a dispensation that a specific Councillor may indicate their desire to speak by other means, such as raising their

hand. A Councillor shall only speak when called by name by the Chair. When speaking the Councillor shall stand, unless unable to do so. All other Councillors shall remain seated in their allotted place when another Councillor is speaking, unless wishing to make a point of order or point of personal explanation. If more than one Councillor stands, the chair will ask one to speak and the others must sit down.

Councillors to stop speaking when the Chair is standing

This rule cannot be suspended.

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

Forms of address

This rule cannot be suspended.

3. Councillors shall address the Chair when speaking, and refer to each other as Mayor, Deputy Mayor, Leader, Cabinet member, Chair or Councillor, as the case may be.

Order of debate

4. The Chair shall have the discretion to vary the order of debate on motions or amendments. Otherwise no debate shall be allowed except in relation to a motion or amendment under consideration. Only one motion may be considered at a time.
5. Where the Chair, on the advice of the Monitoring Officer agrees to hold a single debate on a motion, the order of debate shall be varied as follows.
6. The motion and amendments shall be moved and seconded, followed by a single debate. At the end of the debate the mover of the motion shall have a right of reply. Each motion and amendment shall be voted upon separately.

Right to require motion and amendment in writing

7. All business motions must be in writing and to be delivered to the proper constitutional officer no later than 12pm seven clear working day (usually a Monday the week before the meeting).
8. Amendments to business motions must be made in writing and delivered to the proper constitutional officer no later than 12pm, three clear working days before the meeting.

Form of amendments

9. An amendment to a motion must be delivered in accordance with standing orders xxx Rules xx. It must:
 - a. on being made at the meeting, be identical in its form of words to the wording given on notice
 - b. be relevant to the motion and
 - c. not turn a motion on its head (ie wholly negating e its original purpose)
10. An amendment must be:
 - d. to refer the matter to an appropriate body or individual for consideration or

reconsideration

- e. to leave out words
 - f. to leave out words and insert or add others
 - g. to insert or add words.
11. Amendments may be altered without notice by the member moving them subject to Rule xxx.
 12. An amendment may be accepted as part of the original motion if proposed by the proposer of the motion and accepted by the meeting without debate.
 13. If an amendment is not carried, other amendments to the original motion may be moved.
 14. If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved. If there are no further amendments the substantive shall be put to the vote.

Alteration of motions and amendments

15. A member may alter a motion or amendment of which they have given notice, with the consent of the meeting. The meeting's consent will be signified without discussion.
16. An alteration may be permitted under Rule 15 only where it does not fundamentally change the nature or object of the amendment.

Mover and seconder required for all motions and amendments

17. Every motion or amendment must be moved and seconded. A Councillor may not move more than one amendment or motion on the same subject.

No speeches until motion is seconded

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

Secunder's speech

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

Content and length of speeches

20. Speeches must be restricted to the matter under discussion or to a personal explanation or point of order. No speech by the mover of a motion may exceed five minutes without the consent of the Mayor. All other speeches may not exceed three minutes without the consent of the Mayor.
21. An exception is when the relevant Cabinet member presents the annual budget report at the council tax setting meeting. In this case, they will be allowed up to ten minutes in which to present the report and the opposition member shall have five minutes in which to reply.

When a member may speak again

22. A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:
- h. in exercise of a right of reply
 - i. by way of a permitted intervention, taking the form of a point of order or personal explanation as set out in xxx

Withdrawal of a motion or amendment

23. If the motion or amendment has been moved: A member may withdraw a motion or amendment which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused. No further debate shall take place on a motion or amendment once it has been withdrawn.
24. If it has not been moved: If a motion or amendment has not yet been moved, it may be withdrawn by the mover. The consent of the meeting is not required. No debate shall take place on a motion or amendment once it has been withdrawn.

Right of reply

25. The mover of a motion has a right to reply at the end of the debate, immediately before the vote.
26. The mover of the amendment has no right of reply to the debate on their amendment.

Motions which may be moved during debate

27. During debate, no other motion may be moved except a procedural motion set out in subsection E.

Closure motions

28. The following closure motions may be moved during discussion of another motion ("the original motion"). They shall be moved, seconded and put without discussion. A second closure motion in relation to the same question shall not be moved within 30 minutes of the rejection of a previous motion.

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| a. That the meeting proceed to the next business | If the motion is carried, the question under consideration will be deemed not approved |
| b. That the question be now put | If the motion is carried the mover of the original motion will have a right of reply before putting their motion to the vote. |
| c. That the debate be adjourned | If the motion is carried the discussion shall be resumed as adjourned business at the next ordinary meeting or such other day and hour as shall have been specified in the motion, and the meeting shall |

| | |
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| | <p>proceed to the next business on the agenda. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned. On resumption of an adjourned debate, the member who moved its adjournment shall be entitled to speak first.</p> <p>(Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken: see subsection xx)</p> |
| d. That the meeting be adjourned | <p>If a motion to adjourn the meeting, having been seconded is carried, the council shall stand adjourned to the next ordinary meeting or to such other day and hour as shall have been specified in the motion. Unless the adjourned business is taken at the next ordinary meeting, the only business which shall be transacted at an adjourned meeting shall be the uncompleted business set out in the summons for the meeting which was adjourned.</p> <p>(Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken: see subsection xx)</p> |

3.8: Interventions by members

These rules cannot be suspended

Point of order

1. A Councillor may raise a point of order at any time during the meeting. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of the Council Procedure Rules or the law. The Councillor must indicate the standing order or law and the way in which they consider it has been broken. The ruling of the Mayor, on the advice of the Monitoring Officer, on the matter will be final.

Personal explanation

2. A Councillor may request to make a personal explanation at any time during the meeting. A personal explanation may only enable the Councillor to refute or correct a statement attributed to them or any action they have taken.
3. The following procedure will apply.
 - a. The Councillor wishing to intervene to make a personal explanation must signify to the person presiding by standing up and stating "personal explanation".
 - b. The person presiding will ask the member speaking at that time whether they are willing to allow the Councillor wishing to intervene to make a personal explanation.
4. The Councillor speaking may either:

- a. agree to receive the personal explanation immediately; or,
 - b. delay the receipt of the personal explanation until later in their speech; or,
 - c. not agree to receive it.
5. If the request to receive the personal explanation is not agreed by the member currently speaking, the member requesting to make a personal explanation may not call for a further opportunity whilst that same member is speaking, but will however be entitled to a point of personal explanation once the member has ceased speaking if so desired.
 6. If and when a personal explanation is heard, it must not be excessively long. In most cases this will mean that the personal explanation will not exceed one minute in length.

3.9: Decision-making: general rules on voting

Some of the rules in this subsection cannot be suspended

Majority

1. Unless this constitution provides otherwise, or is required by statute, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put to the vote.

Mayor/chair's casting vote

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

Show of hands

3. Unless a recorded vote by roll call is demanded under rule 1.14, the Chair will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

Right to require individual vote to be recorded

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

Voting on appointments

This rule cannot be suspended.

5. If there are more than two people nominated for any position to be filled, the names will be put to the vote in alphabetical order and the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

3.10: Decision-making: recorded votes by roll call

1. Any member may raise a motion for a recorded vote by roll call on another motion or

amendment being voted upon by standing in their place and so requesting before the casting of votes has started.

2. The Mayor shall put the question again and open the electronic vote. If an electronic vote is possible, the proper constitutional officer shall call the names of all members starting with group leaders, group whips then all other members in alphabetical order. Each member present shall declare themselves 'for or against' the motion or amendment or that they abstain.
3. The votes, abstentions and absences from the meeting room shall be recorded in writing and entered in the minutes.
4. The Mayor shall declare the result of the recorded vote, stating the numbers for and against the motion or amendment and the number of members who abstained.
5. Once a recorded vote by roll call has been called, no adjournment may be moved until the vote has been taken.
6. A recorded vote by roll call may not be held in voting on the following motions:
 - a. election of the Mayor (Procedure Rule xxx)
 - b. the appointment of Chairs and Vice Chairs (Procedure Rules xxx)
 - c. to vary the order of business (Procedure Rule xxx)
 - d. motions relating to the accuracy of the minutes (Council Procedure Rules XX)
 - e. receipt of information reports of committees
 - f. that all recommendations then outstanding be approved (Council Procedural Rule XX)
 - g. to proceed to the next business (Council Procedural Rule XX)
 - h. that the question be now put (Council Procedural Rule XX)
 - i. that the debate be adjourned (Council Procedural Rule XX that the meeting be adjourned (Council Procedural Rule XX seeking the consent of the Council where it is required under Council Procedure Rules .

3.11: Business at ordinary meetings: petitions and deputations

1. These rules should be read in conjunction with the rules on the preparation of petitions in the petition scheme in Part 2.

Petitions procedure at meetings

2. If a valid petition meeting the requirements set out in the petition scheme is submitted for consideration by Full Council, then at the ordinary meeting at which the petition is timetabled to be considered, the Mayor will call on the persons nominated to present petitions in the order in which they were notified to the Petitions Officer. Petitions may only be considered at ordinary meetings of Council.
3. In this case, the date when a petition is notified to the Petitions Officer shall be the date when the petition, in full, with an attached list of signatures, is provided.
4. The Petition Officer will make contact with the petition organiser in advance of the meeting to explain the procedure and offer any support that individual (or the presenter, if it is a different person) might need in order to be able to participate effectively. In so doing the Petition Officer will have regard to the organiser's, or presenter's, access needs.
5. Only the person nominated in the original submission to present the petition may present the petition unless the Chair agrees that another person may present (for example if the

originally nominated person is unavoidably absent). This person does not need to be the petition organiser. The following process will be followed:

- a. The presenter will present the petition at the meeting. The presenter will be permitted to address the meeting to confirm their name for the record, the title of the petition and to – for no longer than one minute – summarise the objective of the petition. The wording used to summarise the objective of the petition must be submitted to, and agreed by, the Monitoring Officer in advance of the meeting, and shall be referenced in the meeting's minute;
 - b. In the event that a petition relates to an individual licensing or planning application, it shall be received by the meeting and, without debate, referred to the meeting at which that application shall be determined, where it will be considered alongside other evidence as a statement of support, or objection, to that application;
 - c. In the case of any other matter, the petition will then be discussed by Councillors for a maximum of 15 minutes, during which time the Rules of Debate (xxx) will apply. The Chair may choose to limit the time available for debate further, subject to their discretion on the management of the agenda.
 - d. The Council will then decide how to respond to the petition.
 - e. If Full Council has the power to do so it may decide to take the action requested in the petition, not to take the action for reasons considered during the debate, or to commission further work.
 - f. If, on the other hand, only the Council's Executive may take the action requested it may refer the matter to the Executive for consideration with or without a recommendation.
6. After the debate has concluded, and any decision or resolution made, the presenter shall withdraw to the public gallery.
 7. Receipt of the petition, the exact wording of the petition, and any decision, will be recorded in the minutes. The proper constitutional officer will arrange for a summary of any petition which addresses an issue within the direct responsibility of the Council to be referred to the relevant Chief Officer.

Deputations procedure at meetings

8. Pre-meeting arrangements for the notification of deputations are set out in Part 2 (xxx).
9. At the meeting where they are due to be taken, deputations shall be heard in the order in which notice was received.
10. One spokesperson for each deputation shall be allowed to address the meeting for up to two minutes.
11. The wording used in the address must be submitted to, and agreed, by the Monitoring Officer in advance of the meeting. This wording must be used, unamended, in the meeting itself. A summary of the address will be recorded in the minute of the meeting.
12. Up to 10 minutes will then be allowed for Councillors to ask questions and receive replies from the deputation. No debate shall take place on a deputation.
13. The Chair may move a motion (without the need of a seconder, and subject to the advice of the Monitoring Officer):

- a. to note the content of the deputation, in the context of Council's substantive consideration of the matter in question later on the agenda, refer the matter to Cabinet or an appropriate committee;
 - b. to advise the deputation that action on the matter in question is already being considered by the Council, that their views will be taken into account when a decision is made, and that they will be notified of the outcome, and;
 - c. to thank the deputation for bringing the matter to Council's attention.
14. Exceptionally, the Chair may move, without the need of a seconder and subject to the advice of the Monitoring Officer, that an informal meeting of relevant members and officers, and members of the deputation, be convened to discuss the matter further and to determine a way forward. Such a motion may also be moved following Council's substantive consideration of the matter on the agenda to which the deputation relates.

3.12: Business at ordinary and Budget meetings: public questions

Which meetings consider public questions?

1. Public questions shall be considered at ordinary meetings of the Council. Public questions cannot be considered at the Budget or Annual meeting.

Who may ask a public question?

2. The right to ask a public question only applies to persons resident in the borough or business ratepayers of the borough.

Pre-meeting processes: validity of questions

3. Detail on the scope and form of questions, and on the deadlines applying to the submission of questions to the Council, can be found in Part xx.

At the meeting

4. Questions shall be dealt with in the order in which they are received. Upon receipt, once considered by the Monitoring Officer for content, a copy of each question shall be given to the Mayor and the appropriate Cabinet member/committee chair. The content of any answers shall be within the discretion of the appropriate Cabinet member/committee Chair.

Length of public question time

5. The time during which public questions shall be taken shall not exceed 30 minutes. It is not in order to move for an extension of this time limit. When the time limit has expired, any remaining written replies shall be taken as read.

Asking the question at the meeting

6. Copies of all the questions to be dealt with at the meeting, together with written answers, shall be included in the minute of the meeting.
7. The Mayor will invite the questioner to put the question to the Cabinet member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the Mayor to put the question on their behalf.

8. The Mayor may
 - a. ask the question on the questioner's behalf,
 - b. indicate that a written reply will be given or
 - c. decide, in the absence of the questioner, that the question will not be dealt with.

Supplemental question

9. A questioner who has put a question in person may also put one supplementary question without notice to the member who has replied to their original question. A supplementary question must arise directly out of the original question or the reply. The Mayor may reject a supplementary question on any of the grounds in rule xxx above and if it appears to be a statement and/or a speech.

Written answers

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

Reference of question to the Cabinet or a committee

11. Unless the Mayor decides otherwise, no discussion will take place on any question, but any member may move that a matter raised by a question be referred to the Cabinet or the appropriate committee or sub-committee for further consideration. Once seconded, such a motion will be voted on without discussion.

3.13: Business at ordinary meetings: late and urgent questions by the Leader of the Principal Opposition Group

Late and urgent questions to be considered only at ordinary meetings

1. Late and urgent questions shall be taken at all ordinary Council meetings but not at the Annual, extraordinary or council tax setting/budget Council meetings and are at the discretion of the Mayor/Chair upon the advice of the Monitoring Officer.

Leader of the Principal Opposition Group's rights to ask late and urgent questions

2. The Leader of the Principal Opposition Group (or if the Leader of the Principal Opposition Group is not present at the meeting, a member of their Group previously notified by that person to the Monitoring Officer) may ask a late and urgent question of:
 - a. the Mayor
 - b. a member of the Cabinet
 - c. the Chair of any committee or sub-committee
3. The Leader of the Principal Opposition Group will be limited to one late and urgent question at each meeting.

4. The fact that a question (and supplementary question) was asked, and a summary of the question(s) and response(s) will be included in the minutes of the meeting.

Meaning of "late and urgent question"

5. A late and urgent question may be asked on any matter in relation to which the Council has powers, functions or responsibilities.
6. A late and urgent question shall be a question that could not have been raised before the deadline for questions by members. The Mayor shall exercise their discretion to determine the validity, or otherwise, of a question falling within this description, advised by the Monitoring Officer.
7. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, the Standards (Hearings) Sub-Committee insofar as the question relates to the behaviour or conduct of an individual member or members or former member(s).
8. No question shall be asked on a matter concerning a planning or licensing application.

Deadline for submission of questions

9. Late and urgent questions must be received by the proper constitutional by 5pm on the working day immediately prior to an ordinary Council meeting.
10. Questions shall be addressed to the relevant Cabinet member or committee Chair who shall be responsible for the content of the answer, or to the Mayor. Cabinet members and committee Chairs shall have discretion to refer a question to another Cabinet member or committee Chair, if this is appropriate.

Supplementary questions

11. No supplemental questions will be permitted (although rules relating to points of order and points of personal explanation, set out at paragraph xxx, will apply).

3.14: Business at ordinary meetings: questions by Councillors

Some rules in this section cannot be suspended

Which meetings consider questions by Councillors?

1. Questions from Councillors shall be considered at ordinary meetings of the Council but not at the annual, extraordinary or the council tax setting/budget Council meetings.

Who can ask questions?

2. A Councillor of the council may ask one question of:
 - a. the Mayor
 - b. a member of the Cabinet

- c. the chair of any committee or sub-committee

Scope

3. A question may be asked on any matter in relation to which the Council has powers, functions or responsibilities.
4. No question shall be asked on a matter relating to an investigation by (whether completed or not), or ruling of, the standards sub-committee insofar as the question relates to the behaviour or conduct of an individual member or members.
5. No question shall be asked on a matter concerning a planning or licensing application.

Time period for question time

This rule cannot be suspended.

6. The time during which Councillors' questions may be taken shall be 30 minutes.
7. It shall not be in order to move an extension of these time limits. At the expiry of Councillors' question time, all questions not reached shall be deemed as noted.

Deadline for submission of questions

8. For a question to be considered it shall be submitted in writing to the proper constitutional officer no later than seven clear working days in advance of the Council meeting. Written notice of the question may not be given earlier than 21 days before the meeting.
9. All questions will be listed in the order received.
10. Questions shall be addressed to the Mayor or to the relevant Cabinet member or committee Chair who shall be responsible for the content of the answer.
11. The Mayor, Cabinet members and committee Chairs shall have discretion to refer a question to another Cabinet member or committee chair if this is appropriate.
12. The wording of any questions, and their answers, shall be summarised in the minutes of the meeting.

Supplementary questions

13. A member asking a question may ask one supplementary question without notice to the member of whom the first question was asked. The supplemental question must arise directly out of the original question or the reply and must not be a statement.

3.15: Business at ordinary meetings: motions on notice

1. At ordinary meetings of Council, members may move motions which ask the Council to make decisions (described as "resolutions") to take, or support, certain actions. (Motions are also permitted at meetings of Budget Council, but only relating to the Council's budget – see xxx).
2. These motions are described as "substantive" or "business" motions. Motions must meet

certain criteria to be considered “in order”, which are described in paragraph xxx below.

3. Business motions are described as being “on notice” because the Councillor who wishes to table them at the meeting has to notify the Monitoring Officer of their intention to do so in advance. This is so that they can be included on the agenda, and to give other Councillors the opportunity to table amendments (which also need to be tabled “on notice”).
4. Some (non-business) motions can be moved without notice – these are set out in paragraph xxx.

Notice requirements for a motion to be in order

5. A business motion must be delivered to the Monitoring Officer not less than seven clear working days before the meeting. Once the Monitoring Officer has deemed the motion to be in order, they shall number and date the proposed motion and enter it in a book open to inspection by any Councillor. Proposed motions will be notified to all members of the Council in line with the arrangements set out in paragraph xxx below.
6. All motions must be accompanied by a named mover and seconder by this deadline. A record of the date and time of receipt will be maintained, and motions placed onto the agenda in the order received. Any subsequent changes can only be agreed with the consent of the meeting other than as set out in paragraph xxx below.
7. If two motions on the same subject are submitted and are in order, the Monitoring Officer shall determine, in consultation with the movers and the Chair, whether and how a single motion on the subject might be moved. More than one motion on the same subject shall not be permitted.
8. Proposed motions will be forwarded to the Mayor who will determine whether they are in order, having regard to the advice from the Monitoring Officer. The Mayor’s decision on whether a motion is in order shall be final.

Criteria for motions to be considered in order

9. Motions must be about matters for which the Council has powers, functions or responsibilities.
10. Motions shall not be accepted if they are:
 - a. Scurrilous
 - b. Improper
 - c. Unduly long
 - d. Unduly wide (ie seeking to introduce a number of issues, some of which may not relate to the Council’s powers, functions and responsibilities)
 - e. Unclear (ie, in what the motion requests of Council)
 - f. Outside the Council’s legal powers (ultra vires)
 - g. Substantially the same as a motion already debated and resolved in the last 12 months
 - h. Vexatious or frivolous (i.e. be trivial or designed to disrupt proceedings rather than

advance Council business)

- i. Seeking to create a budget or financial commitment outside proper process (i.e. committing expenditure not included in the approved budget)

11. Motions shall be considered "scurrilous" or "improper" if:

- a. they are libelous,
- b. they direct specific criticism and/or personal attacks at named or identifiable individuals,
- c. they impliedly or explicitly reveal information that is exempt or confidential, or if
- d. they relate to any outcome of a Standards (Hearings) Sub-committee in relation to a Councillor;
- e. (subject to the advice of the Monitoring Officer) debate on the motion in question raises a credible risk to the Council's legal position on any matter;

12. Motions will not be accepted if, in the opinion of the Chair after taking advice from the Monitoring Officer, it is deemed that the motion is calculated to obstruct the proper conduct of the Council's business.

Limit of two business motions moved by a single Councillor at the same meeting

13. No Councillor may have more than two proposed motions in their name on a Council agenda at the same time.

Withdrawal of motions

14. Any Councillor who has submitted a motion may withdraw it at any time before it is moved at the meeting. If a motion in the summons is not moved at the meeting it will, unless postponed by the Council, be treated as abandoned and may not be moved without fresh notice. The Councillor who gave notice of the motion may authorise in writing another Councillor to move it in their absence.

Amendments to be made on notice

15. Once a motion has been notified to all members of the Council as set out in paragraph xx, any member may propose an amendment to the motion.
16. Notice of every member's amendment to a motion shall be delivered before 12.00 midday two working days before the day of the meeting at which the motion is to be moved. This shall be 12.00 midday on a Tuesday, before a Thursday meeting.
17. Amendments shall be submitted to the proper constitutional officer. Each member is limited to proposing one and seconding one amendment per item of business. All amendments must be accompanied by a named mover and seconder by this deadline.
18. Amendments shall be placed on the agenda in order of receipt. Any subsequent changes can only be agreed with the consent of the meeting. Amendments will be circulated by 2.00pm on the working day before the meeting.

3.16: Ordinary meetings: reports from Cabinet, committees and officers Moving reports from the Cabinet and committee

1. Recommendations on each report shall be taken together as a single motion, and moved by the Mayor without the need for a seconder. On being moved, the meeting shall proceed immediately to a vote without debate or amendment.

Statutory reports of officers

2. Reports issued by:
 - a. The Head of Paid Service under s4 of the Local Government and Housing Act 1989;
 - b. The Monitoring Officer under s5 of the Local Government and Housing Act 1989, or
 - c. The s151 Officer under s114 of the Local Government Finance Act 1988
 - d. EPR Reports for dismissal of stat officer

May not be subject to any amendment by Council, and must be dealt with in line with the requirements of that legislation. Such reports will be subject to debate prior to the Chair's decision to move to a debate.

Amendments to reports from Cabinet, committees and officers

3. Notice of every member's amendment to a motion arising from a recommendation from the Cabinet, committee or officer shall be given in writing, signed by the member, and delivered before 12.00 midday on the second clear working day before the day of the meeting at which the report is to be moved. Amendments shall be submitted to the proper constitutional officer. Each member is limited to proposing one and seconding one amendment per item of business. Amendments shall be placed on the agenda in order of receipt. Amendments will be circulated by 2.00pm on the working day before the meeting.
4. A proposed amendment to a recommendation must be relevant to that recommendation and follow the rules for amendments to business motions as set out in XX.
5. Where an amendment is proposed, the substantive recommendations of the report will be moved together by the relevant member for up to 5 minutes and seconded for up to 3 minutes. The amendment will then be moved and seconded, both for up to 3 minutes.
6. Amendments will be considered in debate together with the substantive motion. At the end of the debate, amendments will be voted on in the order in which they were received.

Notice required for questions on reports

7. Notice of all questions on reports shall be given in writing, signed by the member and delivered at least three clear working days before the day of the meeting at which the report is to be moved, to the proper constitutional officer (i.e. by midnight of the Friday in the week before an ordinary Thursday council meeting). Each member is limited to one question per item of business.

Circulation of questions and amendments

8. The proper constitutional officer shall arrange for copies of all questions received in accordance with paragraph xxx above, to be circulated to members on the evening before the day of the meeting at which they are to be considered.

Dealing with members' questions on reports

9. The following rules shall also apply to members' questions on reports:
 - a. questions on reports shall be addressed to the member moving the report (see procedure rule xxx)
 - b. scope (see procedure rule xxx)
 - c. all questions will be listed in the order of receipt (see procedure rule xxx)
 - d. Cabinet members and committee chairs shall have the discretion to refer a question to another Cabinet member or committee chair if this is appropriate (see procedure rule xxx)
 - e. circulation of written answers (see procedure rule xxx)
 - f. supplementary question (see procedure rule xxx)

3.17: Business at the Budget meeting: arrangements for approval of Budget

1. The consideration of the Cabinet's Budget recommendations shall be the only item of substantive business on the agenda Except for deputations related to the budget.
2. The approval of Budget is the process whereby Council agrees the following:
 - a. estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 31 through to 37 or 43 to 49, of the Local Government Finance Act 1992;
 - b. estimates of other amounts to be used for the purposes of such a calculation;
 - c. estimates of such a calculation; or
 - d. amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992.
3. The process for the development of the budget and the policy framework is set out in the Budget and Policy Framework Procedure Rules set out at xxx
4. Once Cabinet has concluded the budget development work with the Overview and Scrutiny Committee, as required by section xxx, the proposal will be formally submitted to Council for approval.
5. Council must either:
 - a. Adopt Cabinet's proposals;
 - b. Amend Cabinet's proposals (further to arrangements set out from paragraph xxx onwards);
 - c. Refer proposals back to Cabinet for further consideration, or;
 - d. Substitute its own proposals in their place.
6. The Council's decision, having been made, will be published. The notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Executive's proposals without amendment) or (if the Executive's proposals are not accepted without amendment), that the Council's decision will become effective on the expiry of five clear days after the publication of the notice of decision, unless the Leader objects to it in that period. Procedures for the resolution of such conflicts are set out in

paragraph xxxx onwards.

7. The Leader may, in writing, waive the right to object, thus giving immediate effect to the decision. If the Council resolves to refer the matter back to the Executive for the further consideration, that decision shall take effect immediately.
8. Arrangements for the Leader to object are set out in paragraph xxx

Amendments to the Budget on notice: pre-meeting procedures

9. Amendments to the budget proposals of the Executive relating to the level of Council Tax and/or the Council budget for the following year (other than minor amendments) may only be moved and seconded if notice is given to the Chief Executive as indicated below.
10. Any budget amendment or alternative budget should where reasonably practicable be shared with the Section 151 officer not less than five clear working days prior to the Budget Meeting so that they may consider and advise the Council on the implications of any such proposal.

Budget meetings: order of business and arrangements for debate

11. The mover of the Executive's budget will be allowed up to ten minutes when moving their report.
12. The Leader of the Principal Opposition, when moving an amendment to the report of the Executive shall have up to five minutes.
13. All other speeches are limited to 3 minutes, including those moving amendments to the report of the Executive.
14. Amendments will be moved in the order in which they were received, save for an amendment moved in the name of the Leader of the Principal Opposition, which shall be moved immediately following the proposals of the Executive.
15. Amendments will be considered in debate together with the substantive motion. At the end of the debate, amendments will be voted on in the order in which they were moved.
16. If an amendment is carried, all other subsequent amendments fall away.
17. A recorded vote will be taken (usually electronically) on each amendment and the substantive motion in relation to the setting of the Council's Budget and rate of Council Tax and the record included in the minutes of the meeting.

3.18: Business at the Budget meeting: conflict resolution procedure

1. If the Leader of the Council does not agree with Council's decision with respect to the setting of the Council's Budget and Rate of Council Tax, a further Council meeting may take place (early March). At that meeting, the Council decision is final.

3.19: Annual meeting: election of mayor and mayor making

These rules cannot be suspended

1. The process for electing the Mayor shall be as follows.

Nominations

2. No Councillor may nominate more than one candidate.

3. There are no specific selection/qualification criteria. It is expected that candidates will have a good knowledge of Council procedures; the usual convention is that candidates will also have served a full term (four years) on the Council.
4. Candidates for Mayor are to be nominated on an Official Notification Form, which must be signed by at least three Councillors, together with an endorsement signed by the Councillor nominated confirming that they are prepared to stand for the office of Mayor.
5. Blank Official Nomination Forms will be sent to all Councillors at the beginning of January.
6. All Councillors are to be advised that, should they wish to nominate a candidate for Mayor, they must submit an Official Nomination Form signed by at least three Councillors to the Chief Executive (or their nominated Officer, hereinafter referred to as the "Presiding Officer") by the prescribed date.
7. The Chief Executive (or the Presiding Officer) will confirm eligibility of nominations received and then advise all Members of the names of the candidates and the arrangements for holding the secret ballot on the prescribed date.

Ballot

8. The Council has resolved to adopt a process whereby members may express their preference for one nominated candidate by way of secret ballot, and for the result of this ballot to form the basis of formal nomination at Annual Council. This is without prejudice to the ability of Annual Council to make its own determination as to the choice of the Mayor.
9. The ballot will take place in a committee room between 6.00pm – 7.00pm on the night of the Ordinary Council meeting in January. Members must vote in person; postal voting or voting by proxy will not be permitted.
10. Members on entry to the designated committee room will have their names recorded on a register as having received a ballot paper and will receive from the Presiding Officer an Official Ballot Form, which will be marked with an official stamp. The Official Ballot Form will list the candidates and Members will be able to vote for one of them or mark a box indicating that they do not vote for any of the candidates.
11. Members will make their vote on the Official Ballot Form and place the form in the ballot box provided. Once a Member has received a Ballot Form they may not leave the room prior to their placing the Ballot Form in the ballot box.
12. At 7.00pm, the ballot will close and the Presiding Officer will immediately count the votes cast and advise the Chief Executive of the number of votes cast for each candidate and the number not voting for any candidate.
13. A candidate who has received an overall majority of those votes that were cast in favour of a candidate appearing on the ballot form will be deemed to be the Mayor- Elect (forms that did not cast a vote for any of the candidates are not considered for the purpose of this calculation). The Chief Executive will advise the Mayor of the outcome immediately prior to the Council meeting and the result will be declared as part of the Mayor's Announcements at the beginning of the January ordinary Council meeting.

14. Should no candidate receive a majority of the votes cast, then the candidate with the fewest votes will be removed and a second ballot held during the break in the Full Council meeting. The arrangements for voting will be the same as for the first ballot and the result will be declared by the Mayor when the Council meeting reconvenes.
15. The above process envisages a maximum of two ballots being enough to secure an overall majority for one candidate. Should there be more than three candidates, this arrangement will be refined, subject to the advice of the Monitoring Officer, to ensure that the number of potential ballots can be fitted into the requirements of a Council meeting.

Mayor-Elect

16. The Member who receives a majority of the votes cast in the secret ballot will be known as the Mayor-Elect and day to day arrangements (e.g. preparation for the Annual Council Reception) may be made on the basis that the Mayor-Elect will be elected Mayor at the Council meeting, but without prejudice to the decision of Annual Council.

Annual Council – Election of Mayor

17. The Council, at its Annual Meeting, will elect the Mayor for the following municipal year. The outcome of the secret ballot is not binding on the Council in making the formal decision to elect the Mayor at the annual meeting.

Selection of Mayor in Year of Borough Election

18. Should the Member deemed Mayor-Elect not be re-elected as a Member at the Borough Election, the arrangements for selecting a replacement Mayor-Elect prior to the commencement of the Annual Meeting next following the Borough Elections will be a matter for agreement between the Leaders of the Council's relevant Groups to be agreed by resolution of the Council.

3.20: Annual meeting: election of Leader and appointment of Cabinet

1. Following an election, if the Leader loses their seat, they shall nonetheless remain a Councillor, and remain Leader, until the date of the Annual meeting (s91B, Local Government Act 2000).
2. The Leader shall be elected by Council at the first annual meeting of the Council to be held after ordinary elections take place or, at an ordinary or extraordinary Council meeting as necessary.
3. The Leader shall appoint between two and nine other Councillors at the first Annual Meeting of the Council to be held after ordinary elections take place or at an ordinary or extraordinary Council meeting as necessary, to serve as members of the Cabinet.
4. The Leader shall appoint one member of the Cabinet to serve as Deputy Leader. This choice shall be reported to the first Annual Meeting of the Council to be held after ordinary elections take place or at an ordinary or extraordinary Council meeting as necessary. Where a vacancy occurs in the office of Deputy Leader, the Leader must appoint another person in their place.

5. The Leader shall have power to vary the allocation of portfolios within the Cabinet. The Leader shall also have power to designate a Cabinet member as lead Cabinet member in respect of any policy matter that is cross-cutting. In the event that a Cabinet member ceases to be a member of the Cabinet, the Leader shall have the discretion as to whether or not to appoint a replacement.
6. Other political groups represented on the Council may nominate a Councillor to act as their Leader.
7. The leader of the largest political group which does not form part of the Council's Cabinet shall be termed the "Principal Opposition Leader".

3.21: Annual meeting: political proportionality and appointment of committees

1. If it is an election year, in advance of Annual Council, the Monitoring Officer shall make a calculation as to the allocation of seats between political groups, and the allocation of seats to any non-aligned members, in accordance with the rules and principles set out in sections 15 and 16 of the Local Government and Housing Act 1989 and the procedure appended to this section.
2. This calculation shall be carried out as soon as possible following the election.
3. Once this calculation has been undertaken, the Monitoring Officer shall notify the Leaders of the political groups (and any non-aligned members) of the calculation and of the allocation of seats on individual committees.
4. In the event of disagreement on the part of one or more political groups, where that disagreement relates to the allocation of seats on individual committees (eg a disagreement might be where one group may be entitled to a certain number of seats across all committees, but not a seat on every committee, and the Group wishes to have a seat or seats on different committees to those allocated) the following procedure will take effect:
 5. Leaders of the political groups should, by way of a meeting convened by the Chief Executive or Monitoring Officer or correspondence mediated by those individuals, seek through consensus to resolve the disagreement.
 6. The Mayor and Mayor Elect should oversee this process.
 7. If agreement has not been reached in time for an agreed allocation of seats to be reported to Council in the agenda papers for that meeting, the Monitoring Officer shall either:
 - a. Submit a report to Council that reflects their original allocation, noting the dispute and citing reasons for their recommendation that engages with it;
 - b. Submit a report to Council that reflects a revised allocation, noting the dispute and citing reasons for their recommendation that engages with it.
8. If the political balance of the Council changes between elections (on account of a by-election or a sitting member leaving or joining a political group) the Monitoring Officer shall immediately carry out a full recalculation of proportionality and committee allocations, submitting a report setting out the revised arrangements to the next available meeting of

Council.

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Appendix: Political Balance

The political balance requirements of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 apply to any committees and sub-committees established under the Constitution. They also apply to scrutiny committees, which are treated as committees as per the Local Government Act 2000.

Proportionality does not, as a matter of law, apply to the Cabinet or other bodies exercising executive functions.

Statutory Principles for the allocation of seats to non-executive committees

The Council has a duty when allocating or reviewing the allocation of seats on committees to give effect, so far as is reasonably practicable, to the following four principles:

- A. All seats are not allocated to the same political group;
- B. The majority of seats go to the political group with a majority on the Council;
- C. Subject to the above two principles, the total number of seats each group has on all ordinary committees of the Council is in the same proportion as the group's share of the total council elected membership; and
- D. Subject to the above three principles, the number of seats each political group has on ordinary committees of the Council is in the same proportion as it holds on the Council as a whole.

These principles are applied and given priority in the order in which they are presented, i.e. if all Councillors except one were members of the same group, that one ungrouped Councillor should have a seat on every ordinary non-executive committee.

The allocation of seats may be amended by Council either where there is a genuine mathematical choice, or where no Councillor votes against any alternative proposed arrangement, which in effect amounts to disapplying proportionality.

Ordinary committees

Ordinary committees are those non-executive committees appointed under s102(1) of the Local Government Act 1972 to discharge functions of the Full Council

Through convention and practice proportionality is not usually applied to the Standards (Hearings) Sub-committee in order to facilitate a cross party body made up of:

- 1 Co-opted independent Chair
- 1 Councillor from the administration, and
- 1 Councillor from the principal opposition.

This in effect amounts to disapplying proportionality and requires that no Councillor votes against the proposal.

Overview and Scrutiny Committees and Policy Development Committees

Overview and Scrutiny Committees are not ordinary Committees. This is because they are not discharging functions of the Full Council, but are established as part of executive governance arrangements to hold the executive to account.

When appointing to Overview and Scrutiny Committees, Principles A and B apply to each committee individually. The memberships of these committees are not taken into account when calculating the total proportion across ordinary committees described in Principles C and D. There is no requirement to calculate the total proportion across Overview and Scrutiny Committees

Method to Calculate Places on Ordinary Committees

To give practical effect to the statutory principles set out above, the following method shall be applied when reviewing and determining the allocation of seats on Council bodies. This process ensures that the distribution of seats properly reflects the overall political composition of the Council and that ungrouped Councillors are represented in accordance with sections 15 and 16 of the 1989 Act and the 1990 Regulations.

- (i) **Determine the total ordinary committee seats subject to proportionality**
The first step is to identify and confirm the total number of seats across all ordinary committees that are subject to political balance. This includes sub-committees or panels which the Council has, by local convention, resolved to treat as politically balanced. This total provides the baseline figure to which the proportionality calculations are applied. This does not include overview and scrutiny committees.
- (ii) **Calculate proportional representation**
Next, calculate the proportion that each political group forms of the total membership of the Council. This is achieved by dividing the total number of Councillors in each political group by Councillors on the Council. The same calculation is then applied to determine the proportion of Councillors who are not part of any political group (ungrouped Councillors). The proportions produced through this calculation establish entitlement to committee seats across all politically balanced ordinary committees.
- (iii) **Apply proportions to total ordinary committee seats**
The proportions calculated at step (ii) are then applied to the total number of available seats to determine the aggregate entitlement of each political group and of ungrouped Councillors. The statutory requirement to give effect to proportionality "so far as reasonably practicable" is achieved by rounding up those of one-half or more. There this process results in a total greater or less than the number of available seats, adjustments must be made to ensure the overall total matches the number of seats to be filled. This may, where necessary, include minor adjustments to the size of individual ordinary committees to preserve balance and proportional representation.
- (iv) **Practical arrangements for ungrouped Councillors**
Once the number of seats to be reserved for ungrouped Councillors has been determined, the Monitoring Officer will invite those Councillors to express their interest in serving on particular ordinary committees. The Monitoring Officer will facilitate discussions to identify individual preferences and, where achieved, Full Council will give effect to these preferences. Where an ungrouped Councillor does not express interest in any of the available seats, those seats will remain vacant unless and until a subsequent nomination is made and approved by Full Council. Where the number of expressions of interest from ungrouped Councillors exceeds the number of available seats, the allocation of those seats will be determined by the drawing of lots.

Method to Calculate Places on Overview and Scrutiny Committees and Policy Development Committees

The same calculation method will be separately applied for the calculation of seats on Overview and Scrutiny Committees except for principles C and D which do not apply.

Co-opted Members of Committees

Non-voting co-opted members of committees are not included in the calculation of seats ordinary

or Overview and Scrutiny committees.

Voting co-opted members should normally be included in the calculation of seats for ordinary and Overview and Scrutiny Committees. In practice, voting co-opted members only exist on the Education Scrutiny Sub-Committee during the consideration of specific matters. Therefore, the practice has been to exclude them from the calculation of proportionality. Co-opted members with voting rights on all functions exercised by a Committee should be included in the calculation of seats.

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3.22: Annual meeting: Continuing membership of the Mayor and Deputy Mayor in an election year

This rule cannot be suspended.

1. In a year when the term of office of the Mayor spans full Council elections, the Mayor shall continue in office and remain as a member of the Council notwithstanding that they do not seek or achieve re-election as a Councillor.
2. In a year when the term of office of the Deputy Mayor spans full Council elections, the Deputy Mayor shall continue in office but will not remain as a member of the Council unless they achieve re-election as a Councillor.
3. The term of office of the Mayor and Deputy Mayor in an election year shall continue until the annual meeting of the Council.
4. If the person presiding at the Annual Meeting would have ceased to be a member of the Council they shall not be entitled to vote in the election of the new Mayor except in accordance with paragraph xxx below.

3.33: Annual meeting: granting of the Freedom of the Borough and conferring the title of Honorary Alderman

Freedom of the Borough

1. The Council, at Annual Council, shall consider the recommendation of the civic panel for nominations i.e. the conferment, for the purposes of honouring or granting the Freedom of the Borough, to any person, organisation or body that meet the criteria approved by the Council and who have rendered eminent service to Redbridge, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the Freedom of the Borough shall be presented to the agreed recipients.

Honorary Alderman

2. The Council, at a specially convened meeting, following Annual Council, shall consider the recommendation of the civic panel for nominations i.e. the conferment, for the purposes of honouring or conferring the title of Honorary Alderman, to any person who meets the criteria approved by the Council and who has rendered eminent service to Redbridge as a past member of the Council, and who is not then a Councillor of the Council, and shall by a resolution passed by not less than two-thirds of the members voting agree upon those to be honoured. Thereafter, the title of Honorary Alderman shall be presented to the agreed recipients.

Section 4: Cabinet and committee procedure rules

This section should be read in conjunction with Section 1, which sets out rules that apply to all bodies, including Cabinet and committees.

4.1: Additional protocols and procedures set out by the Monitoring Officer

1. Any Committee or Sub-Committee shall follow a Special Procedure or Protocol, where one exists, for the transaction of the whole or part their business which has been approved by the Monitoring Officer. This will in particular apply to the operation of committees that hold regulatory decision-making functions, such as those relating to planning and licensing.
2. The Monitoring Officer may direct that a Special Procedure or Protocol shall apply to the transaction of the whole or part of business at other Committees or Sub-Committees or in respect of other functions or activities of the Council in order to comply with the Human Rights Act 1998 or any rule of law or to avoid maladministration by the Council or for the efficient despatch of business.
3. Subject always to any legal requirements, a Special Procedure or Protocol may:
 - a. vary, revoke or add to or suspend any of the Procedure Rules set out in section xxx in respect of the rules and procedures to be followed by Committees and Sub-Committees; and
 - b. allow the Chair to waive or vary a Special Procedure or Protocol in exceptional circumstances where to do so would be in the interests of fairness or natural justice.
4. These will be set out in this section as additional rules for those committees but do not need to be part of the Constitution to take effect.

4.2: All committees: attendance and participation by members who may not be members of committees

1. Any person who is bound by the Code of Conduct for members (referred to in this section as a "councillor") may attend meetings, other than:
 - a. Bodies conducting staff appointments or disciplinary or grievance proceedings, or
 - b. Bodies that exercise a quasi-judicial function during any deliberations within the exempt part of the Agenda, or
 - c. Meetings conducting exempt (but not confidential) business, other than with the express permission of the Monitoring Officer and if the person concerned would in any event be entitled (in law, by virtue of being a Councillor) to access exempt information relating to the business concerned.
2. Councillors who are not members of the committee have no right to speak or vote at meetings and they must sit apart from the committee members, on the member side but near the public gallery to ensure it is clear to all that the non-committee members are not the decision makers.

Questions from non-members of committees

3. Councillors who are not members of a committee may ask questions at meetings of that committee only if they have given notice of their intention to do so.
4. Notice of an intention to ask a question must be submitted to the proper constitutional officer in advance of the meeting. Questions must relate to a matter on the agenda.
5. Questions shall be permitted to be asked at the discretion of the Chair following advice from the Monitoring Officer.

4.3: Council committees: appointment

1. This subsection shall not apply to appointments to Cabinet, which can be made by the Leader at any time subject to those appointments being reported to Council at the earliest opportunity.
2. Appointments for other committees will be made at full Council at its annual meeting, in accordance with the arrangements for political proportionality set out in Part 5, Section 2, Subsection U. Where members step down from their role on committees, or where political groups propose to appoint a new member of a committee to replace an existing member of that party, the procedure described in paragraph xxx shall apply.

Substitutes: appointments, powers and duties

3. Substitute members shall be appointed to committees in the same manner as permanent members.
4. Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.
5. Substitute members will not be permitted at meetings of Cabinet. They may be permitted at a committee or sub-committee of the Cabinet where the substitute is also a member of the Cabinet.
6. At the commencement of each meeting, each political group shall announce whether any of the named voting members are to be substituted. This substitution shall remain in effect for the whole of the meeting.

Making, and terminating, committee appointments

7. Whenever an appointment of a voting member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated, and whenever such an appointment falls to be terminated in accordance with such wishes, then the proper constitutional officer shall make the relevant changes and inform the appropriate committee or sub-committee at its next available meeting. The proper constitutional officer shall maintain a full list of committee and sub-committee memberships. In the event of the termination of an appointment in accordance with the wishes of a political group, the proper constitutional officer is to inform the individual concerned in writing within three days of notice being received.

Notification of appointments, resignations and termination of appointments

8. All appointments to and resignations from the membership of committees and sub-committees must be submitted in writing to the proper constitutional officer. A minimum of five clear working days must elapse from the date of receipt of such notices before any appointments become effective. Any resignations or terminations become effective immediately.
9. In the event that a co-opted member does not attend a meeting of the committee on which they serve for a period of six consecutive months, without the approval of the council, they shall cease to be a member of the authority.

4.4: All committees: determination of the agenda

1. The agenda for each meeting shall be determined by the Chair on the advice of the Monitoring Officer. The agenda shall only contain business that is within the terms of reference of the body in question.

Overview and scrutiny committees

2. In the case of an overview and scrutiny committee, a member may request that an item be placed on the agenda of such a committee. The committee will consider the item with a view to placing it on the work programme for substantive discussion at a subsequent meeting. Further procedure rules for agenda management at overview and scrutiny committees can be found in Part 6.

Cabinet

3. In the case of meetings of Cabinet:
 - a. The Monitoring Officer will make sure that an item is placed on the agenda of the next available meeting of the Cabinet where the overview and scrutiny committee or the full Council have resolved that an item be considered by the Cabinet.
 - b. Any Councillor may ask the Leader to put an item on the agenda of a Cabinet meeting for consideration and, if the Leader agrees, the item will be considered at the next available meeting of the Cabinet. The notice of the meeting will give the name of the Councillor who asked for the item to be considered.
 - c. The Monitoring Officer and/or the s151 officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper constitutional officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Chief Executive, s151 officer and Monitoring Officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

4.5: All committees: order of business

1. The order of business at every meeting shall be:
 - a. to choose a person to preside if the Chair and vice-Chair are absent (this item

- shall not be moved)
 - b. apologies for absence
 - c. declarations of interest (this item shall not be moved)
 - d. to approve the minutes of the previous meeting (and to receive notification of actions on matters arising), which shall then be signed by the person presiding
 - e. public question time (if any, and at the discretion of the Chair)
 - f. matters referred following a call-in under the executive decision-making rules (in the case of meetings of Cabinet only)
 - g. references (reports and recommendations) from overview and scrutiny committees (in the case of meetings of Cabinet only)
 - h. to receive reports of the officers and where appropriate / required to make decisions on those reports, subject to the contents of Part xxx on Cabinet Functions.
 - i. any other business specified in the summons.
 - j. Any other business
2. With the exception of those matters above which it is stated cannot be moved, the order of business or the timing of the business may be varied by the chair upon advice from the monitoring officer.

4.6: All committees: public questions

1. Arrangements for the preparation and submission of public questions are set out in Part 2 of the Constitution. This section sets out how questions will be dealt with at formal meetings (other than at meetings of full Council, where rules are set out at xxx, and Cabinet, where rules are set out at xxx), when they have been submitted and validated in the required way, where this is required.
2. The Monitoring Officer may make special rules for public questions at meetings of certain committees as part of the preparation of special protocols or procedures for those committees as set out in subsection A of this section. If such protocols or procedures are prepared and agreed by the Chair, any differences from the rules set out below shall be set out below and in Part 2.
3. The time during which public questions shall be taken shall not exceed 30 minutes.

Record of questions

4. The proper constitutional officer will maintain a record of each question which will be open to public inspection. Rejected questions will include reasons for rejection. This paragraph should be read in conjunction with the rules on the recording of business generally, at paragraph xxx.

Asking the question at the meeting

5. The Chair will invite the questioner to put the question to the member named in the notice. Questions may not be put to officers.

Supplemental question

6. Any supplemental question will be at the discretion of the Chair.

Written answers

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

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Section 5: Planning Procedure Rules

5.1: Definitions

1. An Objection is defined as a Public Access Comment response, email, letter or petition that meets all the following requirements:
 - a. It is in response to an application that has been publicised or advertised by the Council;
 - b. It is not anonymous and includes the person's name and postal address;
 - c. It is from, or on behalf of, a person who lives at or operates from an address which is within the Redbridge Borough Council area;
 - d. It is received by the Planning Service within the statutory consultation period; and
 - e. It raises objections that are material planning considerations, are related to the application and they have not been overcome by scheme amendment(s), imposing planning condition(s) or securing planning obligation(s).
2. If several objections are received from a single household or business, they will be treated as forming a single Objection. Petitions are treated as forming a single Objection.
3. A Call-In Request is defined as a Public Access Comment response, email or letter from a Redbridge Councillor that meets all the following requirements:
 - a. It is in response to an application that has been publicised or advertised by the Council;
 - b. It is from a Ward Councillor within whose ward the application site is located or a Councillor in an adjoining Ward;
 - c. It is received by the Planning Service within the statutory consultation period;
 - d. It raises objections that are material planning considerations and are related to the application and they have not been overcome by scheme amendment(s), imposing planning condition(s) or securing planning obligation(s); and
 - e. It contains a specific request for the application to be considered by Committee.
4. For the avoidance of doubt, a Call-In Request that merely states that the Ward Member considers that committee consideration is necessary, without a proper planning reason as to why, will not be accepted as a properly made Call-In Request.
5. The term Officer of the Local Planning Authority means an officer within the Council who, in the opinion of the Director of Planning & Building Control, is closely involved in the day-to-day work of the Council's planning function.
6. Reference to the Director of Planning & Building Control is also a reference to an officer who is representing them at the committee meeting.

5.2: Format of Committee Agenda

1. The Committee's agenda may contain the following parts for planning reports:
 - a. Development presentations: to enable the Committee to receive presentations on proposed developments, including when they are at the pre-application stage. These items do not attract public speaking rights.
 - b. Applications for decision: these items attract public speaking rights.
 - c. Other planning matters: non-application matters that require Committee

consideration. These items do not attract public speaking rights.

5.3: Rules of procedure for different parts of the agenda

Development Presentations

1. The procedure for considering each item shall be as follows:
 - a. The Director of Planning & Building Control will introduce the main issues;
 - b. The developer will present their scheme for no longer than 15 minutes unless the Chair, exercising their discretion, has allowed a different period;
 - c. Through the Chair, Committee members ask questions of the developer;
 - d. The Chair will bring the item to a close when they consider that there has been sufficient questioning; and
 - e. The Director of Planning & Building Control will summarise the issues raised by the Committee which will form the minute for the item.

Applications for Decision

2. The procedure for considering applications where there are public speakers shall be as follows:
 - a. The Director of Planning & Building Control will introduce the development the subject of the application;
 - b. Through the Chair, Committee members ask questions of clarification to the Director of Planning & Building Control;
 - c. Public speaking will take place;
 - d. Through the Chair, Committee members ask questions of clarification to the public speakers (or the Director of Planning & Building Control);
 - e. The Committee will consider and debate the item;
 - f. The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item; and
 - g. The Committee will come to a decision.
3. The procedure for considering applications where there are no public speakers shall be as follows:
 - a. If requested by the Chair, the Director of Planning & Building Control will present the main issues;
 - b. Through the Chair, Committee members ask questions of clarification to the Director of Planning & Building Control;
 - c. The Committee will consider and debate the item;
 - d. The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item; and
 - e. The Committee will come to a decision.

Other Planning Matters

4. The procedure for considering any item shall be as follows:
 - a. If requested by the Chair, the Director of Planning & Building Control will present the main issues;
 - b. Through the Chair, Committee members ask questions of clarification to the Director of Planning & Building Control;
 - c. The Committee will consider and debate the item;

- d. The Chair will bring the Committee to a vote, if required, when they consider that there has been sufficient debate of an item; and
- e. The Committee will come to a decision, if required.

5.4: Delegation to Officers

1. It is hereby delegated to the Director of Planning & Building Control to communicate the detailed wording of Committee decisions to applicants, and where the Committee determines an item on an agenda:
 - a. the Director of Planning & Building Control has delegated authority to make changes to the wording of the Committee decision (such as to delete, vary or add conditions, informatives, planning obligations or reasons for the decision) and to accept changes to the application prior to the permission being issued, provided that the Director of Planning & Building Control is satisfied that any such changes could not reasonably be regarded as deviating from the overall principle of the decision reached by the Committee nor that such changes could reasonably have led to a different decision having been reached by the Committee; and
 - b. in the event of changes being made to an officer recommendation by the Committee (such as amending or reversing the recommendation), the task of formalising the wording of those changes, within the substantive nature of the Committee decision, is delegated to the Director of Planning & Building Control.

5.5: Public Speaking Rights

1. People can only address the committee on items that are on the Applications for Decision part of the agenda. As stated above, other items on an agenda do not attract public speaking rights, except at the discretion of the Chair.
2. Subject always to the limitations below, for each planning application there are up to three separate speaking slots, in the following order, allocated to:
 - a. Objector(s) who have submitted an Objection (as defined above) to the planning application. Up to three objectors can address the meeting for a maximum of two minutes each. Where an Objection is presented in the form of a petition, the objector shall be the petition organiser.
 - b. The applicant or their agent/representative/supporter(s). The Applicant's slot will be allocated the same length of time as the Objectors' slot (ie 2 minutes
 - c. if there is 1 Objector, 4 if there are 2 and 6 if there are 3). The Applicant's slot is for the applicant to decide how to use. If there are supporters wishing to address the committee, they must liaise with the Applicant.
 - d. Any Ward Councillor who has submitted a Call-In Request (as defined above) to the planning application. Up to three Ward Councillors can address the meeting for a maximum of two minutes each. If a Ward Councillor wishes to speak but is unable to attend the Committee, they may nominate a substitute Councillor to address the Committee on their behalf.
3. Registering slots and attendance If members of the public (objectors, supporters, applicants and agents) or Ward Councillors wish to speak on an application on an agenda they must contact Democratic Services by email or telephone after the publication of the agenda and by 5pm on the working day before the meeting to register their slot.

4. In doing so they must provide their contact details so that any problems with speaking arrangements can be resolved in advance of the meeting.
5. On the night of the committee, members of the public (objectors, supporters, applicants and agents) or Ward Councillors who have registered a speaking slot must register their attendance with the Committee Clerk in attendance at the meeting at least 15 minutes before the meeting starts.

5.6: Prioritisation

1. Where more than three Objectors have registered to speak and the arrangements have not been resolved in advance, Democratic Services will allocate the speaking slots solely based on a first come first served basis.
2. Where more than three Ward Councillors have registered to speak and the arrangements have not been resolved in advance, preference will be given to those members within whose ward the development is located or mainly located.

5.7: Conduct

1. All those involved in public speaking are restricted to an oral presentation only. The officers' presentation material is therefore not available for use by public speakers. See below under lobbying for advice about the distribution of additional material or information to Members of the Committee.
2. Where the Applicant is the only speaker on an item recommended for approval, they would only be expected to take up their speaking slot if there was some aspect of the recommendation that they disagreed with.
3. Following the completion of a speaker's address to the Committee, that speaker shall take no further part in the proceedings of the meeting unless permitted to do so by the Chair.

5.8: Speaking rights

Speaking Rights at Adjourned Meetings

1. Where an item is on an agenda and it has been adjourned from a previous meeting, speaking will only be allowed where the matter is to be reconsidered because the membership of the committee has changed or where substantive new material is being considered by the committee.
2. Substantive new material is defined as material that officers have decided that consultation with the public on it is necessary. Otherwise, because the same members are continuing their consideration of the item and are not considering substantive new material, a second round of public speaking is not required.

Varying Speaking Rights

3. At the discretion of the Chair, such as in the interests of natural justice or in exceptional circumstances, the public speaking procedures may be varied. The reasons for any such variation shall be recorded in the minutes. The number of objectors or supporters would

not, of itself, be a factor in allowing additional speakers or longer speaking times. If changes are made to the speaking times, the Applicant will be offered the same time to speak as the time offered collectively to Objectors.

5.9: Late Material and Other Updates

1. The Addendum Report will contain the following:
 - a. Mistakes in a committee report that it is necessary to correct.
 - b. A report of any material received since the close of the agenda which needs to be brought to the attention of the committee to enable them to consider/determine an agenda item.
 - c. Any material changes to the details within the recommendation.
2. It is usual for material (such as late representations) to be received by the Planning Service after the close of the agenda.
3. Where this material needs to be brought to the attention of the Committee, so that it can be considered, it will be presented in the Addendum Report. It will comprise a summary of what has been raised, in the same way as representations are summarised in the main Committee report.
4. The practicality of producing such a report means that there must be a cut-off point for the receipt of late material by the Planning Service. This is noon on the day before the meeting. Material received after this time will not be reported to the Committee unless the Director of Planning & Building Control exercises their absolute discretion in this regard.
5. Lobbying Material must not be distributed to Committee Councillors by members of the public (including public speakers) or other Councillors during the meeting, including the period before it starts or during any adjournments.
6. It is recommended to members that anything sent to Councillors is sent on to the Planning Service in a timely fashion.

5.10: Attendance During Committee

1. Where a decision is made on an agenda item, to be able to vote a Member of the Committee must be present throughout the whole of the Committee's consideration of that item, including the officer introduction and any public speaking.
2. Any dispute as to whether the Councillor in question should be permitted to vote shall be decided by the Chair, in consultation with legal and other officers as necessary. That decision will be final and not be the subject of further debate in the Committee.
3. Where the consideration of an item is adjourned and continued at a later meeting (for example for a site visit or for further information/advice) only those members present at the first meeting can vote on the item at the adjourned meeting.
4. These attendance requirements do not apply to Development Presentations because no decisions are being made as they are part of an informal pre-application process, rather than the formal planning application determination process.

5.11: Voting Procedures

1. The Chair will bring the Committee to a vote when they consider that there has been sufficient debate of an item.
2. The Committee will vote on the recommendations set out in the report, unless a motion is made and seconded to defer or adjourn consideration of an item (for example for a site visit or for further information/advice). If a Committee Member wishes to amend the recommendation (such as an additional condition or a variation to a condition) they will need to move this, have it seconded and decided, prior to any vote on the recommendation. A recommendation cannot be changed (eg from approval to refusal) in this way.
3. For the vote on the recommendation (or an amendment to the recommendation) to be successful there needs to be a majority vote in favour of it. In the event of an equality of votes, the Chair has an additional unconstrained casting vote. This can be exercised irrespective of whether the Chair voted.

5.12: Decisions contrary to the recommendation

1. A motion to go against the recommendation must always be considered after a vote on the recommendation (or an amendment to the recommendation) has taken place, so that officers are clear that the Committee may be minded to go against their recommendation and can prepare their advice accordingly. In exercising their discretion to make a decision contrary to officers' recommendations the Committee shall have regard to the principles set out in Part 4, section xx, subsection xx.
2. When the recommendation is not supported, a new motion to either grant or refuse the application must be moved and seconded. However, before a new motion is proposed, the Committee must first receive advice from the Director of Planning & Building Control as to what form a new motion could take. That advice will be based upon the material planning considerations that have been discussed by the Committee and whether there are grounds that could be defended in the event of an appeal or legal challenge.
3. The solicitor advising the Committee may be called upon as necessary to give advice on legal matters but cannot advise the Committee on planning matters.
4. Once the Committee has received the advice of the Director of Planning & Building Control they can proceed to a vote.
5. A detailed minute of the Committee's reasons for going against the officer's recommendation shall be made, which as a matter of law (*Dover District Council v CPRE Kent* [2017] in the UK Supreme Court) must be clear and convincing.
6. If the Director of Planning & Building Control considers that they are unable to give that advice immediately in the meeting, further consideration of the matter will be suspended, and the agenda item will be adjourned so that the Director of Planning & Building Control can bring a further report to the next available Committee setting out their advice.
7. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a

future meeting of the Committee.

5.13: Decisions contrary to the Development Plan

1. The law (Section 38(6) of the Planning and Compulsory Purchase Act 2004) requires that where the Development Plan is relevant, decisions must be taken in accordance with it unless there are good planning reasons to do otherwise.
2. If the Committee intends to approve an application which does not accord with the provisions of the Development Plan, the material considerations must be clearly identified and the justification for overriding the Development Plan clearly demonstrated.
3. The application may also need to be advertised in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) Order 2015 and, depending upon the type of development proposed, may also have to be referred to the Secretary of State for Levelling Up, Housing and Communities (National Planning Casework Unit).
4. Such a decision is referred to as a Departure. If the recommendation in the officer report constitutes a Departure, the justification will be included in that report and any necessary advertisement would have been undertaken.
5. If the Committee is minded to make a decision which would be contrary to the officer recommendation and that decision (in the opinion of the Director of Planning & Building Control) would constitute a Departure, the Director of Planning & Building Control shall so inform the committee.
6. Further consideration of the matter will be suspended, and the agenda item will be adjourned so that the Director of Planning & Building Control can bring a further report to the next available Committee detailing the planning issues raised by such a decision.
7. Any necessary advertisement of the application will also be undertaken. In such cases, it will be important that the Chair communicates clearly to the meeting that a decision on the application has not been made and that it will be considered further at a future meeting of the Committee. If, having considered the second report, the Committee decides to determine the application contrary to the provisions of the Development Plan, a detailed minute of the Committee's reasons for going against the Development Plan shall be made, which as a matter of law (*Dover District Council v CPRE Kent* [2017] in the UK Supreme Court) must be clear and convincing.

5.14: Committee Minutes

1. The minutes of the committee meeting will record:
 - a. The Councillors and officers present at the meeting.
 - b. Any disclosures of interest made by Councillors or officers.
 - c. For each item, the identity of any public speakers and the decision.
 - d. Where a decision goes against the recommendation, the reason(s) for doing so.
 - e. Where a decision is deferred, the reason(s) for doing so.
 - f. Details of any adjournment of the meeting, and the reason(s) for doing so;
 - g. The use of the Chair's discretion to depart from Constitutional rules and procedures, and the reason(s) for doing so.

- h. The time the meeting finished.

5.15: Technical Briefings

2. Technical briefings may be arranged for large or complex applications where the Director of Planning & Building Control considers that the Members of the Committee will be assisted by a briefing.
3. A briefing may deal with the application as a whole or with specific issues only.
4. The purpose of technical briefings is to provide information to Members. Technical briefings are not an opportunity to consider the merits of the application. Members should not treat the technical briefing as an opportunity to debate the application ahead of the relevant Planning Committee meeting, although Members can ask questions for information and clarification.
5. The briefing will be led by officers. External consultants engaged by the Council to advise officers may also attend. Officers will generally invite the applicant and/or their advisors to attend the technical briefing, however, Technical briefings are not open to the applicant, members of the public or to objectors, unless they are invited by officers.
6. Minutes will be kept of technical briefings.

Appendix – PLANNING CODE OF CONDUCT

Introduction

This Code has been prepared using advice in the Local Government Association/Planning Advisory Service revised guidance note – Probity in Planning: Advice for Councillors and officers making planning decisions (December 2019).

Key Purpose of Planning

Planning has a positive and proactive role to play at the heart of local government. Its purpose is to translate goals into actions. It balances social, economic and environmental needs to achieve sustainable development. It can deliver important public benefits such as new housing, infrastructure and local employment opportunities.

The planning system works best when Councillors and officers involved in planning understand their roles and responsibilities and the context and constraints in which they operate.

Planning decisions are based on balancing competing interests and making an informed judgement against a local, regional and national policy framework. In doing this, decision-makers need an ethos of decision-making in the wider public interest on what can be controversial proposals.

Aim of the Code

In today's place-shaping context, early Councillor engagement is encouraged to ensure that proposals for sustainable development can be harnessed to produce the places that communities need. This guidance is intended to reinforce Councillors' community engagement role whilst maintaining good standards of probity that minimises the risk of legal challenge.

Planning decisions can be controversial. The risk of controversy and conflict are heightened by the openness of a system which invites public opinion before taking decisions and the legal nature of the development plan and planning decisions. Nevertheless, it is important that the decision-making process is open and transparent.

One of the key aims of the planning system is to balance private interests in the development of land against the wider public interest. In performing this role, planning necessarily affects land and property interests, particularly the financial value of landholdings and the quality of their settings. Opposing views are often strongly held by those involved. Whilst Councillors must take account of these views, they should not favour any person, company, group or locality, nor put themselves in a position where they may appear to be doing so. It is important, therefore, that the Council makes planning decisions affecting these interests openly, impartially, with sound judgement and for justifiable reasons.

The process should leave no grounds for suggesting that those participating in the decision were biased or that the decision itself was unlawful, irrational or procedurally flawed.

When the Code Applies

This Code applies to Councillors and Officers when they are involved 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 consultative meetings. It applies as equally to planning enforcement matters or site-specific policy issues as it does to planning applications. If a Councillor has any doubts about the application of this Code to their own circumstances they should seek advice early from the Monitoring Officer, and preferably well before any meeting takes place.

This Code applies to all meetings of the Council's Planning Committee. When the term "Councillor" is used, it means that the text is applicable to all members of the Council. The term "Planning Committee Councillor" means a member or a substitute member of the Council's Planning Committee.

Relationship to The Members' Code of Conduct

Councillors are reminded that this Code is designed primarily for Planning Committee Councillors and Councillors who, for whatever reason, find themselves involved in the planning process. It should not be read in isolation. Whilst this Code interprets the Code of Conduct for Members (Constitution Part 4, Section 1) with respect to planning matters, it is subordinate to that Code and in the event of any inconsistencies arising between this Code and the Code of Conduct for Members, the latter shall prevail.

Role and Conduct of Councillors and Officers General Roles of Councillors and Officers

Councillors and officers have different but complementary roles. Both serve the public. Officers are responsible to the Council as a whole, whilst Councillors are responsible to the electorate as a whole.

Officers are not appointed to serve any political group and therefore advise all Councillors. Officers carry out the daily functions of the Council's business in accordance with Council or Committee decisions or under powers delegated to them pursuant to the Constitution. Officers are governed by the Code of Conduct for Officers contained in the Constitution (Part 4, Section 3). In addition, planning officers, who are Members of the Royal Town Planning Institute (RTPI), are subject to a professional code of conduct and breaches may be subject to disciplinary action by the RTPI. Similarly, officers who are solicitors are subject to regulation by The Solicitors Regulation Authority. Officers in other professions will have similar codes.

The Localism Act 2011 sets out a duty for each local authority to promote and maintain high standards of conduct by Councillors and to adopt a code of conduct. The Code of Conduct for Members is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It embraces the standards central to the preservation of an ethical approach to Council business, including the need to register and disclose interests, as well as appropriate relationships with other Councillors, staff and the public. The Council's constitution sets down rules and orders which govern the conduct of Council business.

Relationship Between Councillors and Officers

Mutual trust, respect and understanding between Councillors and officers are the keys to achieving effective local government. A successful relationship can only be based upon mutual trust and an understanding of each other's positions. This relationship, and the trust and respect that underpins it, must never be abused or compromised.

Planning officers' views, opinions and recommendations will be presented based on

their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of a committee or other meeting or its Councillors.

Councillors must not put pressure on officers to put forward a particular recommendation or deal with a planning matter in a particular way. This does not prevent a Councillor from asking questions or submitting views to an officer. These views must be received in written form (eg email) and be

placed on the planning file, so that they can be considered together with other material planning considerations.

Interests: Registration and Disclosure

The provisions of the 2011 Act seek to separate interests arising from the personal and private interests of the Councillor from those arising from the Councillor's wider public life. Councillors should think about how a reasonable member of the public, with full knowledge of all the relevant facts, would view the matter when considering whether the Councillor's involvement would be appropriate.

A Councillor should refer to the Code of Conduct for Members for assistance in identifying Disclosable Pecuniary Interests or any Other Interests or seek advice from the Monitoring Officer prior to attending a meeting. A failure to properly register a Disclosable Pecuniary Interest or to participate in discussion or voting in a meeting on a matter in which a Councillor has a Disclosable Pecuniary Interest, are criminal offences. Ultimately, responsibility for fulfilling these requirements rests with each Councillor.

Registration of Interests

A Councillor must provide the Monitoring Officer with written details of relevant interests within 28 days of their election or appointment to office. Any changes to those interests must similarly be notified within 28 days of the Councillor becoming aware of such changes.

Disclosure of Interests

It is always best to identify a potential interest early on. If a Councillor thinks that they may have an interest in a matter to be discussed at Planning Committee, they should raise this with the Monitoring Officer as soon as possible.

Personal and Pecuniary Interests

The Council's Code of Conduct for Members includes provision for declaration of interests that are wider than Disclosable Pecuniary Interests under the Localism Act 2011. Some personal interests may amount to pecuniary interests that impact on members' ability to participate and vote on that item.

Disclosable Pecuniary Interests

Where a Councillor has a Disclosable Pecuniary Interest relating to an item under discussion, the Councillor may not participate (or participate further) in any discussion of the matter at the meeting or participate in any vote (or further vote) on the matter. The Councillor should also withdraw from the committee room. This means that a Councillor with a Disclosable Pecuniary Interest is precluded from making representations orally to the committee or from making representations on behalf of a

party to the hearing.

A Councillor with a Disclosable Pecuniary Interest can still present their views to the committee through other means. For example, the Councillor can:

- make written representations on a planning application in their private capacity – the existence and nature of the interest should be disclosed in such representations and the Councillor should not seek preferential consideration for their representations – such written representations should be addressed to officers rather than to other Councillors;
- use a professional representative to make a representation on the Councillor's behalf in circumstances where the Councillor's planning application is under consideration; or
- arrange for another Councillor (eg, a fellow ward Councillor) to represent the views of the Councillor's constituents on matters in which the Councillor has a Disclosable Pecuniary Interest.

Although a Disclosable Pecuniary Interest relating to an item under discussion requires the withdrawal of the Councillor from the committee, in certain circumstances, a dispensation can be sought from the Monitoring Officer to be present for that item of business.

Members should also have regard to the requirements regarding personal and pecuniary interests under the Code since these may also require a declaration of interest and may impact on members' ability to participate in an item.

Bias: Predetermination/Predisposition

In addition to being aware and taking appropriate action in relation to interests, Planning Committee Councillors need to avoid any appearance of bias or of having predetermined their views before taking a decision on a planning application, on planning policies or on other planning matters, such as enforcement. Avoidance of bias or predetermination or the appearance of bias or predetermination is a principle of natural justice that the decision maker is expected to adhere to.

The courts have sought to distinguish between situations which involve predetermination or bias on the one hand and predisposition on the other. The former is indicative of a "closed mind" and likely to leave the committee's decision susceptible to challenge by Judicial Review. The latter is the perfectly normal process of someone making up their mind.

Clearly expressing an intention to vote in a particular way before a meeting (predetermination) is different from where a Councillor makes it clear that, although they have an initial view, they are willing to listen to all the material considerations presented at the committee and to keep an open mind before deciding on how to exercise their vote (predisposition). The latter is acceptable; the former is not and may result in a Court quashing such a planning decision.

Section 25 of the 2011 Act provides that a Councillor should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. This enacted the common-law position that a Councillor may be predisposed on a matter before it comes to Committee, provided they remain open to listening to all the arguments and are prepared to change their mind in the light of information presented

at the meeting. Nevertheless, a Councillor in this position will always be judged against an objective test of whether the reasonable onlooker, with knowledge of the relevant facts, would consider whether the Councillor was biased. It is not enough just to say you have an open mind, you need to act in a way that shows that you have.

For example, a Councillor who states, "Windfarms are blots on the landscape and I will oppose each and every windfarm application that comes before the committee" will be perceived very differently from a Councillor who states, "Many people find windfarms ugly and noisy, and I will need a lot of persuading that any more windfarms should be allowed in our area." The former has a closed mind and is predetermined, whereas the latter is predisposed but is still maintaining an open mind.

This distinction is particularly important in the context of the Council's practice of facilitating presentations to Planning Committee by developers of schemes at the pre-application stage. After these presentations, Planning Committee Councillors question details of the development so that they can input into the design development of these strategic schemes. They will therefore express views on aspects of the development (such as its external appearance, impact on neighbours or transport network implications) which will display predisposition around these elements. What a Planning Committee Councillor should not do at this pre-application stage is to express a firm view on the development as a whole, as this could amount to predetermination. Such a view should only

be formed at the end of the process, when all the material considerations are available to the Planning Committee Councillors to consider and weigh up before finalising their view.

Dealing with Lobbying

A Planning Committee Councillor who has been lobbied and wishes to support their constituent or is a Ward Councillor and wishes to campaign for or against a proposal, will need to consider whether this is likely to be regarded as amounting to bias and going against the fair determination of the planning application. If they have predetermined their position or have given that impression, they should avoid being part of the decision-making body for that application. A Planning Committee Councillor could speak at Planning Committee (in accordance with the Public Speaking Rights rules in the Planning Committee Terms of Reference) on behalf of their constituents, having declared their pre-determined position, but could not take part in the planning decision.

Participation as a Planning Committee Councillor where a Councillor is or may be perceived to be biased, in addition to the risk of a complaint against the individual Councillor, also places the decision of the Committee at risk from legal challenge. As such, if a Planning Committee Councillor considers that they are or have given the impression that they are biased or predetermined they must carefully consider whether it is appropriate for them to participate in the matter.

Applications Submitted by the Council, Councillors or Officers

Care needs to be taken in the way these applications are dealt with.

Applications Submitted by the Council

Proposals for a Council's own development can give rise to suspicions of impropriety. It is perfectly legitimate for such proposals to be submitted to and determined by the

Council. Proposals for a Council's own development will be treated no differently from any other application.

Certain Councillors may, through their other roles outside of Planning Committee (eg a Portfolio Holder), have been heavily committed to or involved in a Council's own development proposal. In such circumstances, when an item comes to be considered at Planning Committee, the Councillor concerned, if they sit on the Committee, must consider whether they have an interest or degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer. The most appropriate course of action, if that is the case, is that the Councillor concerned may address the Committee in the applicant's speaking slot (see the Public Speaking Rights rules in the Planning Committee Terms of Reference) but does not take part in its consideration and determination. It is important that the Councillor should restrict their address to the Committee to relevant planning considerations rather than wider non-planning issues that are not material to the determination of the application.

Applications Submitted by Councillors or Officers

It is perfectly legitimate for planning applications to be submitted by Councillors and members of staff. However, it is vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.

If a Councillor or an officer submits their own proposal to the Council which they serve, they should take no part in its processing. A Councillor who acts as an agent or representative for someone pursuing a planning matter with the authority should also take no part in its processing.

The Terms of Reference for Planning Committee sets out the circumstances when applications submitted by councillors and officers must be determined by Committee.

The procedures to be followed in Committee in such circumstances are as follows:

- The consideration in Committee of an application from a Councillor may be considered a Disclosable Pecuniary Interest for that Councillor and they will need to be mindful of their obligations in relation to Disclosable Pecuniary Interests as set out in the Code of Conduct for Members.
- If such a Councillor does not have a Disclosable Pecuniary Interest, they may address the Committee as the applicant in accordance with the Council's public speaking procedures.
- If such a Councillor has a Disclosable Pecuniary Interest, they may not participate in the consideration of the matter and may therefore not speak on the matter. They would need to have a representative speak on their behalf, unless they have received a specific dispensation for this purpose from the Monitoring Officer.
- The Planning Committee Councillors must consider whether the nature of any relationship means that they have a Disclosable Pecuniary Interest in relation to the matter and if so, they may not participate in the consideration of that matter.

The principle in the final bullet point also applies to an application submitted by a member of staff when it is considered in Committee.

Lobbying of and by Councillors

Lobbying is a normal part of the planning process. Those who may be affected by a planning decision, whether through an application, enforcement action, a site

allocation in a development plan or an emerging policy, will often seek to influence it through an approach to their Ward Councillor or to a Councillor sitting on a relevant committee.

As the Nolan Committee's 1997 report stated: "It is essential for the proper operation of the planning system that local concerns are adequately ventilated. The most effective and suitable way that this can be done is through the local elected representatives, the Councillors themselves."

Lobbying, however, can lead to the impartiality and integrity of a Councillor being called into question, unless care and common sense are exercised by all the parties involved.

Lobbying of Councillors

A Planning Committee Councillor should explain to those lobbying or attempting to lobby them that, whilst they can listen to what is said, it may prejudice their impartiality and ability to participate in the Committee's decision-making if they are asked to express either an intention to vote one way or another or such a firm point of view that it amounts to the same thing. Planning Committee Councillors should ensure that it is made clear to any lobbyists that they will only be able to reach a final decision on any planning matter after they have heard all the relevant arguments and looked at the relevant information during the sitting of the determining Committee.

Planning Committee Councillors should therefore:

- suggest to lobbyists that they write to the Planning Service in order that their views can be included in the officer report prepared for determination under delegated powers or by Committee;
- pass on any lobbying correspondence received (including correspondence, plans, data etc in respect of an application) to the Planning Service as soon as practicably possible so that it can be considered and included in the report on the application;
- refer the matter to another ward Councillor;
- remember that their overriding duty is to the whole community not just to the residents and businesses within their ward and that they have a duty to make decisions impartially and should not improperly favour, or appear to improperly favour, any person, company, group or locality;
- not accept gifts or hospitality from any person involved in or affected by a planning proposal, but if a degree of hospitality is unavoidable (eg, refreshments at a meeting), ensure that they comply with the provisions in the Code of Conduct for Members on gifts and hospitality; and
- inform the Monitoring Officer where they feel that they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality, including where they have been declined), who will in turn advise the appropriate officers to follow the matter up where necessary.

Planning Committee Councillors should note that, subject to the requirements to ensure that they comply with the Code of Conduct for Members and the rules regarding bias and pre-determination and ensure that they take appropriate action in relation to Disclosable Pecuniary Interests, they are not precluded from:

- listening or receiving viewpoints from residents or other interested parties;
- making comments to residents, interested parties, other Councillors or appropriate officers, provided they do not consist of or amount to predetermination and they make clear they are keeping an open mind;

- seeking information through appropriate channels, which generally would be officers in the Planning Service; or
- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Councillor, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

In the interest of openness and transparency, Planning Committee Councillors should declare any lobbying to which they have been subject.

It is very difficult to convey every nuance of these situations and to get the balance right between the duty to be an active local representative and the requirement when taking decisions on planning matters to take account of all arguments in an open-minded way. It cannot be stressed too strongly, however, that the striking of this balance is, ultimately, the responsibility of the individual Councillor.

Lobbying by Councillors

Planning Committee Councillors should not become a member of, lead or represent a national or local organisation that regularly lobbies to promote or oppose planning proposals. If a Councillor does, they may appear to be biased. Whilst they may be able to address the Committee as a Ward Councillor or an objector, they are not able to participate or vote on any matter in respect of which they have such an interest, unless they have received a specific dispensation for this purpose from the Monitoring Officer.

Planning Committee Councillors can join general groups which reflect their areas of interest, and which concentrate on issues beyond particular planning proposals, but they should disclose a personal interest and consider whether that also amounts to a pecuniary interest where that organisation has made representations on a particular proposal or other planning matter. Where a Planning Committee Councillor is able to participate, they should make it clear to that organisation and the Committee that they have reserved judgement and the independence to make up their own mind on each separate proposal.

Councillors should not excessively lobby Planning Committee Councillors regarding their concerns or views on a planning application, 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.

Councillors should not put pressure on officers for a particular recommendation or decision, and should not do anything which compromises, is likely to compromise, or could be seen as compromising the officers' impartiality or professional integrity. Nor should they request officers to speed up or delay the determination or assessment of an application for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties.

Call-in requests, whereby in certain circumstances a Councillor can request a proposal that would normally be determined under officers' delegated authority to be determined by Committee, require the reasons for call-in to be recorded in writing and to refer solely to material planning considerations. The decision as to whether such an application is considered by Planning Committee is for the Chair in consultation with the Director of Planning & Building Control based on whether there is a material planning reason for reporting the application to Planning Committee. If a Planning

Committee Councillor makes a call-in request, because they are required to set out their objections to the application, they are likely to be seen as bias and therefore should not participate in the determination of it at committee.

Planning Committee Councillors should not decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Planning Committee Councillor to do so.

As previously outlined, Councillors must always be mindful of their responsibilities and duties under their Code of Conduct. These responsibilities and duties apply equally to matters of lobbying as they do to the other issues of probity explored elsewhere in this Code.

Pre-Application Discussions

Discussions between a potential applicant and the Council prior to the submission of an application can be of considerable benefit to both parties and are encouraged by the National Planning Policy Framework. However, it would be easy for such discussions to become, or to be seen by objectors to become, part of a lobbying process on the part of the potential applicant. For this reason, the Council has developed a pre-application process that enables engagement at the pre-application stage.

For major strategic applications, the Council offers a service to potential applicants, which includes presenting their schemes to the Council's Planning Committee. Details of this are set out in the Planning Committee's Terms of Reference. This is the way in which Planning Committee Councillors engage with these schemes and there should therefore be no need to attend any other meetings with potential applicants or their agents/representatives.

For other application types, potential applicants may seek to meet Planning Committee Councillors. For minor or household applications, these can be treated as a form of lobbying and Councillors, including Planning Committee Councillors, should follow the advice on lobbying set out above.

Where an application is more substantial, but not subject to a pre-application committee presentation, these meetings will be subject to the following procedures:

- No meeting involving Planning Committee Councillors shall be convened without the presence of a Council Planning Officer for the entire duration of the meeting.
- Understand that such meetings will attract a fee and make sure the applicant understands this.
- Both this Code and the Code of Conduct for Members will apply when attending such meetings.
- Any Planning Committee Councillor involved in such a meeting, who sits on the Committee that subsequently considers any resulting application, should declare their attendance at the meeting in the same way as lobbying would be declared.
- Officers (and any Councillor, if present) should make it clear from the outset that the discussion will not bind the Council to making a particular decision and that any views expressed are personal and provisional.
- Any advice given should be consistent and in accordance with the Development Plan and officers should agree, prior to any meeting, on a consistent interpretation of Development Plan policies as applied to the particular proposal.
- Councillors should not become drawn into any negotiations, which should be done by officers to ensure that the authority's position is co-ordinated.
- A contemporaneous note of the meeting should be prepared by the planning

- officer attending and a copy sent to all parties for their comments on accuracy.
- The final version of the note of the meeting will be placed on the planning file and should a planning application subsequently be received, it will thereby be open to public inspection.

Councillors should not seek to arrange meetings that would circumvent the Council's normal pre- application procedures, including the need to charge applicants for such meetings.

Planning Committee Councillors should not attend pre-application meetings that are not organised through officers.

Post-Submission Discussions

A Planning Committee Councillor should not usually be involved in discussions with a developer or agent when a planning application has been submitted and remains to be determined. Potentially, these discussions could be interpreted, particularly by objectors to a proposal, as an indicator of predetermination or bias.

There are limited circumstances when Planning Committee Councillors may legitimately engage in post-submission discussions. An example would be in the case of a very large-scale development, where it is desirable for there to be a full understanding of the Council's planning and economic objectives. Such meetings will be organised by officers as a Technical Briefing and run under the procedures set out in the Planning Committee's Terms of Reference.

If a Planning Committee Councillor is contacted by the applicant, their agent or objectors, they should follow the rules on lobbying and consider whether it would be prudent in the circumstances to make notes when contacted. A Councillor should report to the Director of Planning & Building Control any significant contact with the applicant or other parties, explaining the nature and purpose of the contact and their involvement, so that it can be recorded on the planning file. Any material received by a Councillor from an applicant, their agent or objectors in relation to an application should be passed onto the Director of Planning & Building Control so that it can be taken into account in the determination of the application.

Planning Committee Councillors should not attend post-submission meetings that are not organised through officers.

Planning Appeals

Appeals against the planning decisions of the Council are heard by a Planning Inspector appointed by the Secretary of State. Any hearing or inquiry will be open to the public and Councillors are able to attend. Councillors are encouraged to attend such hearings, as they can be a good learning experience. This part of the Code is concerned with Councillors who wish to actively participate in these appeals.

If a Councillor wishes to attend a public inquiry or hearing as a Ward Councillor or as a member of the public, they are free to do so. It is strongly recommended that they discuss their participation with the Director of Planning & Building Control to ensure that they are aware of the

process and that the Councillor does not act in a manner which compromises their position as a Councillor, brings the Council into disrepute, prejudices the Council's case or puts the decision made by the Council at risk of challenge.

A Planning Committee Councillor cannot attend an appeal on behalf of the Council's Planning Committee, even if they sat on the Committee that made the decision, unless this is as part of the Council's case as decided by the Director of Planning & Building Control. The decision of the Committee will be recorded in the minute and set out in the decision notice. A planning officer will present the Council's case on its planning merits, in accordance with the Committee's decision. The inspector is required to determine the appeal on its planning merits and therefore all representations by the Council will be so directed.

Where the appealed decision was contrary to the officer's recommendation, officers should be able to present the Council's case in a satisfactory manner. Where this is not the case, the matter will be presented by a planning consultant employed by the Council.

Planning Enforcement

It is perfectly legitimate for Councillors to bring to the attention of the Planning Service suspected breaches of planning control so that they may be investigated to see whether any action is possible or necessary. They should bring these to the attention of the Planning Service via the online form on the Planning Enforcement web page.

The Council's planning enforcement service operates to a priority system so that those breaches that cause the most harm are dealt with first. This priority system is designed to produce a fair and responsive enforcement service. Councillors must not seek to have matters that they have raised given preferential treatment merely because they are a Councillor.

Councillor Training

Councillors may not participate in decision-making at meetings of the Council's Planning Committee unless they have attended mandatory training. This will be provided by the Council's Planning and Legal Services and will cover the principles of planning and probity in planning.

Whilst all new Planning Committee Councillors (and new substitutes) must attend this compulsory training before they can participate in the Council's Planning Committee, all other Planning Committee Councillors (and substitutes) are also encouraged to attend so that they can ensure that they keep up to date on these matters. All Planning Committee Councillors (and substitutes) must attend this training at least every two years, or as otherwise recommended individually or collectively by the Monitoring Officer.

All Planning Committee Councillors should endeavour to attend any other specialised training sessions provided, since these will be designed to extend and deepen their knowledge of planning law, policy, procedures, and good practice, which will assist them in carrying out their role. Training provided on planning related matters, whilst aimed at Planning Committee Councillors, is open to any Councillor with an interest to attend.

Section 6: Officer Employment Procedure Rules

| OFFICER EMPLOYMENT PROCEDURE RULES | |
|---|---|
| Table of Contents | |
| 1 | Purpose and Definitions |
| 2 | Recruitment and Appointment |
| 3 | Recruitment of Chief Officers and Deputy Chief Officers |
| 4 | Appointment of Head of Paid Service, Monitoring Officer and the Chief Finance (Section 151) Officer |
| 5 | Appointment of Other Chief Officers and Deputy Chief Officers |
| 6 | Appointment of Chief Officers and Deputy Chief Officers – Executive Objection Procedure |
| 7 | Appointment of Other Officers |
| 8 | Disciplinary Action Against and Dismissal in respect of the Head of Paid Service, the Monitoring Officer, and the Chief Finance (S.151) Officer |
| 9 | Disciplinary Action Against and Dismissal in respect of Other Chief Officers and Deputy Chief Officers |
| 10 | Dismissal of Chief Officers and Deputy Chief Officers – Executive Objection Procedure |
| 11 | Disciplinary Action Against and Dismissal of Other Officers |
| 12 | Disciplinary Appeals |
| 13 | No Directions to be given to Persons making Appointments or Taking Disciplinary Action |
| 14 | Pay Policy Statement and Terms and Conditions of Employment |
| 15 | Mutual Termination and Settlement |

6.1: Purpose and definitions

1. These Rules set out the procedural rules dealing with the appointment and dismissal of, and taking disciplinary action against, staff (Officers of the Council). This includes mandatory standing orders required to be adopted by statute.²
2. In these Rules:
 - a. reference to a 'Chief Officer' includes a 'Deputy Chief Officer' and refers to all of those Officers of the Council as defined by section 43(2) of the Localism Act 2011.
 - b. "Disciplinary action" in relation to a member of the Council's staff means any action occasioned by alleged misconduct which, if proved, would, according to the usual practice of the Council, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill-health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the authority has undertaken to renew such a contract.

6.2: Recruitment and appointment

All staff to be appointed on merit

1. Subject to those exceptions set out in section 7 of the Local Government and Housing Act 1989, every appointment of a person to a paid office or employment with the Council (an Officer of the Council) shall be made on merit.

Declarations

2. Any candidate for any designation or appointment with the Council who knows that they are related to a Member or Officer of the Council shall, when making an application, disclose in writing that relationship.
3. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed shall be liable to dismissal.
4. No candidate so related to a Member or Officer will be appointed without the authority of the relevant Chief Officer.
5. Every Member and Officer of the Council shall disclose any relationship known to them to exist between themselves and any person they know is a candidate for a designation or appointment by the Council.
6. Persons shall be deemed to be related to a Member or Officer if they are a spouse, civil partner, partner (i.e. member of a couple living together), parent, parent-in-law, grandparent, child, step-parent, stepchild, adopted child, grandchild, child of partner, brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons. This list is indicative, and a judgement will be made based on the closeness of the relationship.

² The Local Authorities (Standing Orders) Regulations 1993 (as amended); and The Local Authorities (Standing Orders) (England) Regulations 2001 (as amended)

Seeking support for an appointment

7. Any candidate for designation or appointment who directly or indirectly seeks the support of a Member or Officer of the Council in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Member shall not solicit for any person in respect of any designation or appointment with the Council but may give a written testimonial of a candidate's ability, experience or character.

6.3: Recruitment of Chief Officers and Deputy Chief Officers

1. Where the Council proposes to appoint to a Chief Officer or Deputy Chief Officer position, the Staffing Sub-Committee will oversee the arrangements for the filling of the vacancy and appoint to the post in respect of those Chief Officer or Deputy Chief Officer posts for which this function is not delegated to the Head of Paid Service, or make recommendations to full Council for appointment in relation to the roles of the Head of Paid Service, the Chief Finance (S.151) Officer, and the Monitoring Officer.
2. Where the Staffing Sub-Committee is exercising responsibility for this function it must include at least one Cabinet Member.
3. Where the Council proposes to appoint a to the role of Head of Paid Service (Chief Executive), the Monitoring Officer, or the s.151 Officer, or a non-statutory Chief Officer within the meaning of section 2(7) of the Local Government and Housing Act 1989, and it is not proposed that the appointment be made exclusively from among the Council's existing Officers, the Council shall:
 - a. draw up a statement specifying the duties of the post concerned and a specification of the qualifications or qualities to be sought in the person to be appointed;
 - b. make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
 - c. make arrangements for a copy of the statement mentioned in Rule a to be sent to any person on request.
4. Where a post has been advertised as above, the Council will select a shortlist of such qualified applicants, following an assessment process, and interview those included on the shortlist.
5. Where the Council is of the view that there is no suitable candidate, it will re-advertise the post.

6.4: Appointment of Head of Paid Service, Monitoring Officer and the S151 Officer

1. The full Council is responsible for approving the appointment of the Head of Paid Service following consideration of a recommendation of the Staffing Sub-Committee as to the person to be appointed. This function cannot be delegated.
2. The full Council is responsible for approving the appointment of the Monitoring Officer and the Chief Finance (S.151) Officer following consideration of a recommendation of the Staffing Sub-Committee as to the person to be appointed.
3. The procedure set out at Rule xxx in respect of notifying the Leader and Cabinet also applies

in respect of the Head of Paid Service, Chief Finance (S.151) and the Monitoring Officer.

4. The full Council shall also appoint the Officer designated as the Returning Officer and the Electoral Registration Officer.
5. Where the full Council does not approve the recommendation of the Staffing Sub-Committee, it shall indicate how it wishes to proceed.

6.5: Appointment of other Chief Officers and Deputy Chief Officers

1. The Staffing Sub-Committee is responsible for appointing Chief Officers and Deputy Chief Officers (subject to Rule xx) unless responsibility has been delegated to the Head of Paid Service or another Officer.

6.6: Appointment of Chief Officers and Deputy Chief Officers: executive objection procedure

1. Where the full Council, the Staffing Sub-Committee, any other committee or sub-committee, or an Officer is discharging the function of appointment of a Chief Officer or Deputy Chief Officer, an offer of appointment must not be made by the appointor until:
 - a. the appointor has notified the Proper Officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
 - b. the Proper Officer has notified every Member of the Cabinet of:
 - i. the name of the person to whom the appointor wishes to make the offer;
 - ii. any other particulars relevant to the appointment which the appointor has notified to the Proper Officer; and
 - iii. the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Cabinet to the Proper Officer has passed (which shall ordinarily be 3 clear working days); and
 - c. either:
 - i. the Leader has, within the period specified in the notice under 1biii above xxx, notified the appointor that neither they nor any other Member of Cabinet has any objection to the making of the offer;
 - ii. the Proper Officer has notified the appointor that no objection was received by them within that period from the Leader; or
 - iii. the appointor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.7: Appointment of other officers

1. The function of the appointment of any Officer other than a Chief Officer or Deputy Chief Officer must be and is the responsibility of the Head of Paid Service or an Officer nominated by them.
2. Members will not be involved in the appointment of any Officer other than a Chief Officer or Deputy Chief Officer.

6.8: Disciplinary action and dismissal in respect of the Head of Paid Service, the Monitoring Officer and the s151 officer

1. The Staffing Sub-Committee is responsible, acting as an Investigating and Disciplinary Committee (IDC), for disciplinary matters falling within the definition of “disciplinary action” concerning the Head of Paid Service, the Monitoring Officer, and the Chief Finance (s151) Officer.
2. The requirements of the Local Authorities (Standing Orders) (England) Regulations 2001 (as amended) and the Model Disciplinary Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives and accompanying Guidance (the “JNC Procedure”) will be followed in circumstances where disciplinary action (as defined) against the Head of Paid Service, Monitoring Officer or Chief Finance (s151) Officer is contemplated.
3. Where disciplinary allegations are received by the Council in relation to the Head of Paid Service, the Monitoring Officer or the Chief Finance (s151) Officer which fall within the definition of “disciplinary action” an initial assessment will be undertaken as to whether the allegations should be referred to the Staffing Sub-Committee for consideration. That assessment shall be known as the filter test, and it is only where those allegations are not considered to be clearly unfounded, trivial, or best dealt with under some other procedure, that they shall be referred to the Staffing Sub-Committee.
4. The initial assessment as referred to in rule 8.3 of these Employment Procedure Rules shall be undertaken in accordance with the following:

| Officer against whom allegations made | Officer undertaking initial assessment |
|---|---|
| HoPS | Monitoring Officer or Chief Finance Officer (s.151) |
| Monitoring Officer | HoPS or Chief Finance Officer (s.151) |
| Chief Finance Officer (s.151) | HoPS or Monitoring Officer |
| All of HoPS, Monitoring Officer and Chief Finance Officer (s.151) | Deputy Monitoring Officer |

5. The Staffing Sub-Committee is also responsible for making recommendations for the dismissal of the HoPS, the Monitoring Officer or the Chief Finance (S.151) Officer to full Council where the reason for dismissal does not fall within the definition of “disciplinary action”, and in these circumstances there is no requirement to follow the Model Disciplinary Procedure A (England) of the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives and accompanying Guidance (the “JNC Procedure”) or to involve an Independent Person Panel as set out in rules **Error! Reference source not found.** to **Error! Reference source not found.** below.

Suspension

6. The Staffing Sub-Committee may suspend the Head of Paid Service, the Monitoring Officer or the Chief Finance (S.151) Officer during the disciplinary process where this is considered necessary and appropriate (such as where the allegations if proven would be likely to amount to gross misconduct, or where the continuing presence of the Officer at work might

compromise the investigation or impair the efficient exercise of the Council's functions).

7. Before a decision is taken to suspend the Head of Paid Service, the Monitoring Officer, or the Chief Finance (s151) Officer;
 - a. the Officer shall be informed of the reason for the proposed suspension and have the right to present information; and
 - b. careful consideration must be given to potential alternatives to suspension, such as agreed special leave or working from home.
8. The officer undertaking the initial assessment as indicated in the table at H4 of these Employment Procedure Rules has power to suspend the officer against whom allegations are made at short notice where this is necessary and there are exceptional circumstances for doing so.
9. Where a decision to suspend at short notice is taken the suspension shall be on full pay and shall be reported to the Staffing Sub-Committee for review at the earliest opportunity.
10. All suspensions will be on full pay and should be reviewed after being in place for two months (and periodically thereafter as appropriate).

Recommendation for dismissal

1. Where (having followed the JNC Procedure) a hearing of the Staffing Sub-Committee has considered a report by an Independent Investigator and the Staffing Sub-Committee determine to recommend to full Council that the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer be dismissed, the Staffing Sub-Committee must form an Independent Person Panel (as an advisory committee under section 102(4) of the Local Government Act 1972) consisting of at least two relevant Independent Persons, to hear the reasons for the recommendation from the Chair of the Staffing Sub-Committee (or other nominated person), and receive any oral representations from the officer concerned
2. This is not a full re-hearing of the case and will not involve the calling of witnesses – the Independent Person Panel may however ask questions of either party.
3. Where the Independent Person Panel receives any oral representations from the Officer concerned, it should also invite any response on behalf of the Staffing Sub-Committee to the points made. The Panel will review the recommendation and prepare a report for full Council.
4. The "relevant Independent Persons" means any Independent Person who has been appointed by the Council under the Localism Act 2011 or, where there are fewer than two such persons, such Independent Persons as have been appointed by another authority, or authorities, as the Council considers appropriate.
5. The Council must appoint to the Independent Persons Panel such relevant Independent Persons who have accepted an invitation issued in accordance with the following priority order:
 - a. an Independent Person who has been appointed by the Council and who is a local government elector;
 - b. any other Independent Person who has been appointed by the Council;
 - c. an Independent Person who has been appointed by another authority or

authorities.

6. The Council is not required to appoint more than two relevant Independent Persons but may do so.
7. The Council must appoint any Independent Person Panel at least 20 working days before the relevant meeting of full Council.
8. Where the Staffing Sub-Committee proposes to dismiss for reasons which do not fall within the definition of "disciplinary action" there is no requirement to involve a Panel of Independent Persons or to follow the JNC Procedure before making a recommendation to full Council (only Full Council has the authority to dismiss the Head of Paid Service, the Monitoring Officer of the S151 Officer).
9. The executive objection procedure set out at rule F in respect of notifying the Leader and Cabinet also applies in relation to the dismissal of the Head of Paid Service, the Monitoring Officer, or the S151 Officer (whether for reasons falling within the definition of "disciplinary action" or otherwise).

Remuneration of Independent Persons

10. Any remuneration allowances or fees paid by the Council to a relevant Independent Person appointed to the Independent Person Panel must not exceed the level of remuneration, allowance or fees payable to that relevant Independent Person in respect of that person's role as an Independent Person under the Localism Act 2011.

Full Council's role in dismissal

11. Full Council is responsible for the dismissal of the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer. This function cannot be delegated.
12. Where the Staffing Sub-Committee has recommended dismissal to full Council for reasons falling within the definition of "disciplinary action", before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the full Council must take into account, in particular:
 - a. any advice, views or recommendations of the Independent Person Panel;
 - b. the conclusions of any investigation into the proposed dismissal; and
 - c. any representations from the relevant Officer.
13. There is no right of appeal against a decision of full Council to dismiss the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer.
14. The full Council is able to substitute a lesser sanction than dismissal, or refer the matter back to the Staffing Sub-Committee to determine the appropriate sanction.

Disciplinary action short of dismissal

15. The Staffing Sub-Committee has authority to determine disciplinary action against the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer short of dismissal without a requirement for referral to the Independent Person Panel or full Council.

6.9: Disciplinary action / dismissal in respect of other chief officers and deputy chief officers

1. The Staffing Sub-Committee is responsible for undertaking disciplinary action against and

the dismissal of Chief Officers and Deputy Chief Officers (subject to Rule Error! Reference source not found.) unless responsibility has been delegated elsewhere in this constitution to the Head of Paid Service or another Officer.

Suspension

2. The Staffing Sub-Committee may suspend Chief Officers or Deputy Chief Officers during the disciplinary process where this is considered necessary and appropriate (such as where the allegations if proven would be likely to amount to gross misconduct, or where the continuing presence of the Officer at work might compromise an investigation or impair the efficient exercise of the Council's functions) unless responsibility has been delegated elsewhere in this constitution to the Head of Paid Service or another Officer.
3. Before a decision is taken to suspend a Chief Officer or Deputy Chief Officer;
 - a. the Officer shall be informed of the reason for the proposed suspension and have the right to present information; and
 - b. careful consideration must be given to potential alternatives to suspension, such as agreed special leave or working from home.
4. The Head of Paid Service, Monitoring Officer or S151 Officer have power to suspend a Chief Officer or Deputy Chief Officer at short notice where this is necessary and there are exceptional circumstances for doing so.
5. Where a decision to suspend at short notice is taken, and responsibility for undertaking disciplinary action against and the dismissal of Chief Officers and Deputy Chief Officer has not been delegated elsewhere in this constitution to the Head of Paid Service or another Officer, the suspension shall be reported to the Staffing Sub-Committee for review at the earliest opportunity.
6. All suspensions will be on full pay and should be reviewed after being in place for two months (and periodically thereafter as appropriate).

6.10: Dismissal of Chief officers and Deputy Chief Officers: executive objection procedure

1. Where the full Council, the Staffing Sub-Committee, any other committee or sub-committee, or an Officer is discharging the function of dismissal of a Chief Officer or Deputy Chief Officer, notice of the dismissal must not be given by the dismissor until:
 - a. the dismissor has notified the Proper Officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
 - b. the Proper Officer has notified every Member of the Cabinet of:
 - i. the name of the person who the dismissor wishes to dismiss;
 - ii. any other particulars relevant to the dismissal which the dismissor has notified to the Proper Officer; and
 - iii. the period within which any objection to the dismissal is to be made by the Leader on behalf of the Cabinet to the Proper Officer (which will be 3 clear working days) has passed; and
 - c. either:
 - i. the Leader has, within the period specified in the notice under Rule xxx, notified the dismissor that neither they nor any other Member of Cabinet

- has any objection to the dismissal;
- ii. the Proper Officer has notified the dismissor that no objection was received by them within that period from the Leader; or
- iii. the dismissor is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.11: Disciplinary action / dismissal in respect of other officers

1. The function of undertaking disciplinary action against, (including power to suspend), and the dismissal of any Officer other than a Chief Officer or Deputy Chief Officer must be and is the responsibility of the Head of Paid Service or an Officer nominated by them as set out in the scheme of delegation.
2. Members will not be involved in disciplinary action against, or the dismissal of, any Officer other than a Chief Officer or Deputy Chief Officer.
3. Nothing in Rule K3 shall prevent a Member from serving as part of any committee or sub-committee established following a referral by the HoPS in relation to an appeal against dismissal by an officer at Deputy Chief Officer grade or below, or in relation to an appeal against a summary dismissal by an Officer at Chief Officer level, in order to consider and determine that appeal.

6.12: Disciplinary appeals

Head of Paid Service, Monitoring Officer, or Chief Finance (S.151) Officer

1. There is no right of appeal against a decision of full Council to dismiss the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer.
2. Where the Head of Paid Service, the Monitoring Officer, or the Chief Finance (S.151) Officer wishes to appeal against disciplinary action short of dismissal, the Deputy Chief Executive has delegated authority to form a temporary panel of Members (the Statutory Officers (Disciplinary Appeal) Panel) to hear and determine that appeal. The panel must not include any member of the Staffing Sub-Committee that previously considered the matter. Its terms of reference shall be the same as those of the Staffing Sub-Committee and its recommendations shall be referred directly to Council.

Other Chief Officers and Deputy Chief Officers

3. Where a Chief Officer or Deputy Chief Officer wishes to appeal against disciplinary action (including dismissal):
 - a. determined by the Staffing Sub-Committee, the Deputy Chief Executive has delegated authority to form a temporary panel of Members to hear and determine that appeal. The committee must not include any member of the Staffing Sub-Committee that previously considered the matter.
 - b. determined by the Head of Paid Service, or an Officer nominated by them as set out in the scheme of delegation, the Staffing Sub-Committee (or a Panel of that Committee) shall hear and determine the appeal.

Other Officers

4. Where an Officer other than a Chief Officer or Deputy Chief Officer wishes to appeal against

disciplinary action (including dismissal) this shall be considered and determined by the Head of Paid Service or an Officer nominated by them as set out in the scheme of delegation, unless in relation to dismissal only the Head of Paid Service has determined that the appeal should be referred to a panel of the Staffing Sub-Committee

6.13: No directions to be given to persons making appointments or taking disciplinary action

1. Save as specifically provided for elsewhere in these Rules, no body of the Council, Member or any other person or persons shall directly or indirectly:
 - a. give directions to any person taking any step in relation to an appointment to a post in the paid service of the Council as to the identity of the person to be appointed;
 - b. give directions about the taking of any disciplinary action (including in relation to appropriate sanctions) in relation to a person in the paid service of the Council; or
 - c. otherwise interfere with the making of such an appointment or the taking of disciplinary action.

6.14: Pay policy and terms and conditions of employment

1. The preparation of the Council's Pay Policy Statement will be undertaken as determined by the full Council and must be approved annually by a meeting of the full Council before the end of the 31 March immediately preceding the financial year to which it relates.
2. Except as set out above in these Rules, other matters concerning the terms and conditions, including conditions as to remuneration, upon which officers are appointed by the Council for the proper discharge of such of their or another authority's functions as fall to be discharged by those officers are to be determined by the Council, the Staffing Sub-Committee, or any other Committee or Sub-Committee (Panel), as set out at Part [INSERT PART] of this constitution or by the Head of Paid Service, or their nominee, as set out at Part [INSERT PART] of this constitution.

6.15: Mutual termination and settlement

1. Payments in respect of mutual termination and settlement are subject to the following approvals, also set out in Part 4, Section 6C.
 - a. The Redundancy, Pensions & Payments Panel (RPPP) up to £0.020m. (made up of the relevant Executive Director, Director of HR, Monitoring Officer and S151 Officer)
 - b. £0.020m up to £0.100m, in addition to the RPPP, the approval of both the Chief Executive and the Leader of the Council
 - c. £0.100m and over to be approved by Council (in addition to the above).

Section 7: Finance Procedure Rules

Introduction

Financial administration

1. Chief Finance Officer
2. Executive Directors
3. Financial advice to Cabinet
4. Risk management
5. Internal audit
6. Fraud
7. Treasury management
8. Pensions
9. Insurance
10. Partnerships and Shared Service arrangements
11. Cap and Trading Schemes
12. Companies, Joint Ventures, Limited Liability Partnerships and other forms of delivery vehicle in which the Council has an interest
13. Guarantees

Financial planning and budgeting

14. Planning process
15. Preparation of the revenue budget
 - 15.1 Chief Finance Officer's responsibilities
 - 15.2 Executive Directors' responsibilities
 - 15.3 Budget working papers and revenue estimates
 - 15.4 Budget timetable and cash limits
16. Preparation of the capital programme
 - 16.1 Capital strategy and programme
 - 16.2 Financing of schemes
 - 16.3 Capital schemes
17. Setting the annual budget and the Council tax
 - 17.1 Precepting authorities, tax base, and net rate yield
 - 17.2 Support for Council tax
 - 17.3 Decision by members
 - 17.4 Collection fund

Budgetary control

18. Monitoring and control of the revenue budget
 - 18.4 Budget adjustments / virements [between directorates](#)
 - 18.5 Debt Write Off

- 18.6 Treatment of overspends and underspends
- 18.7 Accuracy of accounts
- 19. Monitoring and Control of the Capital Programme
 - 19.1 Control
 - 19.2 Reporting requirements
 - 19.3 Variations to the capital programme
 - 19.4 Major overspends and underspends
 - 19.5 Accuracy of accounts
- 20. Annual statement of accounts
 - 20.1 Chief Finance Officer's responsibilities
 - 20.2 Executive Directors' responsibilities
- 21. Leases
 - 21.1 Capital accounting considerations
 - 21.2 Consent
- 22. Schools financial framework
 - 22.1 Application of standing orders
 - 22.2 Financial regulations
 - 22.3 Scheme for financing schools
- 23. Treasury management
 - 23.1 Prudential framework
 - 23.2 Borrowing and treasury management strategy and decisions
 - 23.3 Departure from statutory guidance or the CIPFA code

Glossary

Introduction

The Financial Standing Orders (FSOs) provide the framework for managing the Council's financial affairs. They apply to every elected member and to all staff including temporary / agency staff, interims and consultants.

All members and staff have a general responsibility for taking reasonable action to provide for the security of assets under their control and for ensuring that the use of these resources is legal, is properly authorised, provides value for money and achieves best value. Failure to abide by the FSOs may lead to action under the disciplinary procedure. The Finance Directorate monitors compliance and reports breaches through the officers' Finance Strategy Board, and to Cabinet and Full Council if appropriate.

The FSOs identify the financial responsibilities of:

- Full Council
- Cabinet
- Chief Finance Officer (Executive Director of Resources)

- Monitoring Officer
- Executive Directors
- All staff and members.

References in these standing orders to Cabinet should be taken to include decisions taken by the whole Cabinet, decisions by any committee of Cabinet and decisions by individual Cabinet Members. Delegations to Cabinet are set out elsewhere in the constitution.

The Chief Finance Officer (CFO) is responsible for the maintenance and regular review of the FSOs. The CFO may make minor changes (see Glossary) to the Financial Standing Orders after consultation with the Monitoring Officer.

The FSOs are supported by financial regulations and other detailed financial procedures and supported by Departmental Schemes of Delegation which set out how the FSOs are implemented. All staff and members must ensure that they are familiar with and follow these procedures.

Financial administration

1. Chief Finance Officer

- 1.1. The Executive Director of Resources is the officer appointed by the Council in accordance with section 151 of the Local Government Act 1972, section 114 of the Local Government Finance Act 1988, the Accounts and Audit (England) Regulations 2015, and section 25 of the Local Government Act 2003.
- 1.2. As Chief Finance Officer (CFO), the postholder must ensure that the Council's financial affairs are administered in a proper manner, in compliance with all relevant professional codes of practice, including the CIPFA Financial Management Code, and all statutory obligations.
- 1.3. All matters connected with the financial administration of the Council's affairs are the delegated responsibility of the CFO, except any matters which are delegated to other Executive Directors or reserved to committees of Council members, Cabinet, or to Full Council itself. The CFO may authorise other officers to carry out matters delegated to him/her except the specific section 151 responsibilities set out in law.
- 1.4. The CFO is responsible for issuing the financial regulations [and other detailed procedures] to underpin the FSOs. Members, staff and others acting on behalf of the Council are required to familiarise themselves with financial regulations and to fully comply with them.
- 1.5. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the FSOs to the Full Council and/or Cabinet and the Assurance and Governance Committee.

2. Executive Directors

- 2.1 Executive Directors are responsible for ensuring that there is proper financial management within their departments. Specific responsibilities are set out in the Scheme of Delegation for Financial Authority and accountability. Executive Directors must set and maintain a current Departmental Scheme of Management setting out the levels of authorisation and standards for the department.
- 2.2 Executive Directors must maintain adequate systems of internal control over financial operations and processes and secure the accuracy and integrity of financial information and systems operating within their departments.
- 2.3 Executive Directors must ensure compliance with procedural instructions on financial administration issued by the CFO.

3. Financial Advice to Cabinet

- 3.1 Corporate and Strategic matters - The CFO will provide financial advice to the Full Council, its committees, sub-committees, and similar bodies of members including Cabinet on all matters of a corporate or strategic financial nature or of any interdepartmental nature.
- 3.2 Departmental matters - Executive Directors are responsible for financial advice to committees, sub-committees and similar service bodies of members including Cabinet on all financial matters of a departmental nature. Where necessary they will seek advice in advance from the CFO.

4. Risk Management

- 4.1 The CFO will be responsible for ensuring awareness of and compliance across the Council with risk management responsibilities and protocols as they impact upon day-to-day operations and major project activities. The CFO will report regularly to the Assurance and Governance Committee on risk matters.
- 4.2 Executive Directors will be responsible for the maintenance of current and complete risk registers for their own department.
- 4.3 Annually and as part of the Annual Governance Statement (AGS), the CFO will consolidate departmental risks into a corporate integrated most significant risk register for the Council. The AGS is signed by the Leader of the Council and the Chief Executive and formally approved by the Assurance and Governance Committee.

5. Internal Audit

1. The CFO is responsible for:
- safeguarding the independence of internal audit
 - determining the overall audit arrangements and the annual internal audit plan
 - the content and distribution of internal audit reports
 - the form and frequency of reports which may be made to the assurance and governance committee arising from internal audit activity.
- 5.2 It is the responsibility of all Council officers to implement agreed recommendations and to provide, upon the request of the CFO or a person nominated by him or her for this purpose, any information, explanation or document under the control of the officer concerned which is required for the purposes of or in connection with an internal audit inquiry, project, or investigation.
- 5.3 The Chief Finance Officer will report to the Governance and assurance Committee twice each year on internal audit activity and any serious breach of Financial Standing Orders or of the financial regulations or procedural instructions issued in accordance with them.

6. Fraud

- 6.1 The CFO is responsible for management of the investigation process for all suspected cases of fraud, corruption, financial loss or malpractice. Fraud investigations will be in accordance with protocols set by the CFO and Monitoring Officer which allow appropriate scrutiny from the Chief Executive and Executive Directors but without breaching confidentiality.

7. Treasury management

- 7.1 All treasury management decisions are the responsibility of the CFO, as set out in paragraph 23 below.

8. Pensions

- 8.1 All pension scheme decisions are the responsibility of the Pensions Committee who will act on advice from the Chief Finance Officer as set out in Part XX of the constitution.

9. Insurance

- 9.1 All insurance matters are reserved for the CFO.

10. Partnerships and Shared Service Arrangements

- 10.1 Financial governance arrangements in respect of partnerships and Shared Service Agreements must meet the requirements of the CFO and his / her written approval must be obtained before any partnership arrangements are entered into.
- 10.2 Arrangements allowed by virtue of statutes, such as s.75 or s.256 of the National Health Service Act 2006, must have regard to the Council's constitutional requirements.

11. Cap and Trading Schemes

- 11.1 The CFO must be consulted on and approve all decisions relating to the landfill allowance trading scheme (LATS) and any similar cap and trading schemes.

12. Companies, Joint Ventures, Limited Liability Partnerships and other forms of delivery vehicle in which the Council has an interest

- 12.1 The CFO and Monitoring Officer must be consulted on all proposals, including but not exclusive to business plans, financial models, funding arrangements, articles of association, board membership, company registration and governance arrangements relating to the establishment and operation of companies, joint ventures, limited liability partnerships and other forms of delivery vehicle in which the Council is to have an interest.
- 12.2 Any proposal to enter into a shareholding agreement with a third party/company must be approved in writing by the CFO and Monitoring Officer.

13. Guarantees

- 13.1 Any proposal for giving a financial guarantee, including any indemnity, on behalf of a party external to the Council must have prior written approval of the CFO.

Financial Planning and Budgeting

14. Financial Planning Process

- 14.1 The Council's financial planning processes and planning horizons, for the revenue budgets (including the housing revenue account), the capital programme and the Medium Term Resources Strategy, will be determined by the CFO, subject to approval by the Cabinet Member for Finance.
- 14.2 These processes and planning horizons will have regard to the Redbridge Plan and other relevant policy and strategic plans.

15. Preparation of the Revenue Budget

15.1 Chief Finance Officer's Responsibilities

- 15.1.1 The CFO is responsible for the overall coordination of the budget process. Under section 25 of the Local Government Act 2003 The CFO also has specific regulatory responsibilities for reporting on:
- the robustness of the estimates
 - the adequacy of the proposed financial reserves.

- 15.1.2 The CFO also has specific responsibility for confirming the deployment of the dedicated schools grant in support of the schools budget, as required by section 16 of the Education Act 2002 and the Accounts and Audit (England) Regulations 2015.
- 15.1.3 The CFO will coordinate the collation of budgets from each department while ensuring that in total budget requirements for the next financial year do not exceed resources available.
- 15.1.4 The CFO is responsible for ensuring, as far as is possible, the short, medium and long-term financial sustainability and resilience of the Council and will report any deficiency to Cabinet and if necessary to Full Council.

15.2 Executive Directors' Responsibilities

- 15.2.1 Preparing the revenue budget for the services for each department in consultation with the relevant member of Cabinet, which will have regard to the community strategy, Redbridge Plan, corporate priorities and business plans and ensuring that corporate deadlines are met.
- 15.2.2 Ensuring that resources are allocated through a detailed budget on the corporate financial management system by the deadline set by the CFO.
- 15.2.3 Ensuring that reports are submitted to the relevant Cabinet Member(s), seeking approval of fees and charges in relation to their areas of responsibility.

15.3 Budget Working Papers and Revenue Estimates

- 15.3.1 All working papers and revenue estimates must be prepared in accordance with issued procedural instructions. The instructions will include information in respect of inflation, capital financing costs and other variables outside the control of service departments.
- 15.3.2 The revenue estimates must include forecast expenditure and income for the year.

15.4 Budget timetable and cash limits

- 15.4.1 As part of the Council's arrangements for medium term financial planning and budget preparation, Cabinet will give guidance on the budget timetable to be adopted and the resource constraints (cash limits) within which business plans and budget estimates must be prepared. Cabinet may also, as part of a strategy to integrate strategic planning with four-year budgeting, issue indicative cash limits for up to four years ahead.

16. Preparation of the Capital Programme

16.1 Capital Strategy and Programme

- 16.1.1 At least once every four years and on consideration of relevant reports and if necessary in the event of a significant change in circumstances as reported by the Chief Finance Officer, agree the Capital Strategy and Programme.
- 16.1.2 The reports from the Chief Finance Officer will consider the compliance of proposed schemes in the programme with the medium term resources strategy, the capital resources available to the Council, the revenue implications of the proposed capital expenditure and any other relevant information.

16.2 Financing of Schemes

- 16.2.1 Within the overall approved Capital Programme, the Chief Finance Officer will decide the method by which any particular scheme will be financed in consultation with Cabinet Member for Finance.

16.2.2 Where there is not sufficient resource to fund the forward programme, schemes will need to be reprioritised or rephased to match those resources available, subject to the agreement of Cabinet and their recommendations to Full Council.

16.3 Capital Schemes

16.3.1 Approval to spend on individual capital schemes will only be given once issued procedural instructions have been complied with and cash flow implications have been determined and assessed to the satisfaction of the Chief Finance Officer.

17. Setting the annual budget and the Council tax

17.1 Precepting authorities, tax base, and net rate yield

17.1.1 The Council must before 31 January each year approve the Council tax base for the following financial year.

17.1.2 Following the Council decision, the Chief Finance Officer will inform precepting and levying bodies of the approved Council tax base.

17.1.3 The Chief Finance Officer must before 31st January each year sign off the estimated net rate yield for national non domestic rates for the following financial year.

17.1.4 The Chief Finance Officer will inform the government and the Greater London Authority (GLA) of the approved estimated net rate yield, so that the appropriate payments can be made to the government and GLA.

17.2 Council Tax Reduction Scheme

17.2.1 In the event of any changes being proposed for the Council Tax Reduction Scheme (CTRS), Full Council must receive and agree to these changes before 31 January to approve any changes to the scheme for the following financial year.

17.3 Decision by Members

17.3.1 Cabinet will make recommendations to the Council regarding the annual budget for the following financial year and the Council tax required to finance it.

17.3.2 At a meeting on or before 1st March each year, the Council will set the overall Council tax (including the impact of the GLA precept) for the following financial year.

17.3.3 All members must ensure that any outstanding debts relating to Council tax or national non-domestic rates payable by them to the Council have been settled at least one clear working day before the Full Council meeting at which the overall Council tax is set.

17.4 Collection Fund

17.4.1 The Chief Finance Officer will determine the probable collection fund surplus or deficit for the year, notify precepting bodies, and report to Cabinet by 31st December each year.

17.5 Exceptional Financial Support

17.5.1 In a scenario where the council enters the Exceptional Financial Support regime, the Chief Financial Officer will determine the strategy for ensuring that mitigating actions are in place to allow the council to return to financial sustainability. He/she will advise Cabinet and Full Council on progress against these actions, and will recommend further mitigations as required.

Budgetary Control

18. Monitoring and Control of the General Fund (GF) Revenue Budget

18. 1 Budget Spending

18.1.1 Following approval by the Council of the annual revenue estimates, Executive Directors may spend within the agreed budget for their departments. They must ensure that the net expenditure for their departments does not exceed the approved budget. They must also ensure that they do not incur expenditure on budgets outside their departmental budget without first getting approval from the relevant Executive Director.

18.2 Budget Monitoring

18.2.1 Executive Directors must:

- ensure that there are adequate systems to monitor and audit the resources allocated to services.
- monitor at least monthly the accurately projected income and expenditure outturn for the financial year under each budget heading, having regard to any contingent or other liabilities for which financial provision may be required.
- present reports containing up to date summary projections to the relevant Cabinet member each month.
- Where there is a risk of breaching budgets, identify and implement mitigating actions that return budgets to balance,

18.2.2 The Chief Finance Officer must report on the overall financial position of the Council to Cabinet on a regular basis. This report will include any concerns he/she may have about the outturns projected by Executive Directors or about financial controls within departments.

18.3 Budget Adjustments / Virements within a Directorate

18.3.1 Executive Directors may vire budget provision between services as set out in the budget book within their department, subject to the following:

- i. The authority for all virements must comply with each department's scheme of management.
- ii. Budget adjustments/virements may not alter the aggregate sum of any one of the budgets listed in the schedule of corporately controlled budgets (e.g. insurance, national insurance, pensions and capital charges), unless previously agreed in writing by the Chief Finance Officer, who is responsible for maintaining the schedule.
- iii. If the budget adjustment / virement is in excess of £500,000, the Executive Director must notify it to the Chief Finance Officer who will obtain the approval of Cabinet at the earliest opportunity. This rule applies where there is movement of an approved budget from one service to another and to adjustments between subjective categories of income and expenditure such as to reflect additional grant or other income and associated expenditure.

18.4 Budget Adjustments / Virements

18.4.1 Budget adjustments/virements may not alter the aggregate sum of any one of the budgets listed in the schedule of corporately controlled budgets (e.g. insurance, national insurance, pensions and capital charges), unless previously agreed in writing by the Chief Finance Officer, who is responsible for maintaining the schedule.

18.4.2 Technical adjustments relating to closing the accounts, including those to corporately controlled budgets, will be reflected in the statement of accounts signed by the Chief Finance Officer. Examples of technical adjustments include those in relation to capital charges such as depreciation and international accounting standard (IAS) 19 – accounting for employee benefits.

18.4.3 Inter-departmental and reserves adjustments / virements of £275,000 or less may be actioned with the agreement of the relevant Executive Director(s), in

line with each department's scheme of management, and must be reported to Cabinet.

18.4.4 Where an inter-departmental or reserve adjustment / virement exceeds £500,000, the relevant Executive Director(s) must obtain written consent from the Chief Finance Officer who will obtain the approval of Cabinet.

18.4.5 Subject to paragraph 13 of Part 3A of the Constitution "matters reserved to Full Council", Cabinet may at any time during a financial year, having considered a report of the Chief Finance Officer, vary the departmental approved budget either:

- to require mid-year savings to compensate for a projected corporate overspend
- to allocate to departments sums included with in corporate provisions or budgets, excluding those which form part of the schedule of corporately controlled budgets maintained by the Chief Finance Officer.

18.4.6 Executive Directors can approve any net nil temporary virements (including net nil impact on overall funding of a programme) without limit.

18.5 Debt Write Off

18.5.1 The Chief Finance Officer is responsible for approving procedures for writing off outstanding debt. These procedures may differ for different categories of debt and this will be clear in the procedures.

18.5.2 Executive Directors may write off individual debts of up to the value of £20,000 for any single item in respect of:

(i) losses arising when property of the Council is lost, stolen, damaged or destroyed and the loss is not recoverable from insurance or other sources;

(ii) losses upon disposal of stock at a price less than the book value at the time of disposal; and

(iii) money due to the Council which has become irrecoverable or is no longer considered to be cost effective to recover.

This is provided that in each case that all proper steps have been taken to mitigate the loss and to prevent a recurrence.

18.5.3 Executive Directors will keep records of all such write-offs in a form approved in advance by the Executive Director of Resources.

18.5.4 Any write-offs exceeding £20,000 but not exceeding £50,000 must be approved by the Chief Finance Officer.

18.5.5 Any write-offs exceeding £50,000 but not exceeding £100,000 must be approved by the Chief Finance Officer in consultation with Cabinet Member for Finance and reported in the next scheduled monthly Budgetary Control Report to Cabinet.

18.5.6 Any write-offs exceeding £100,000 must be subject to a formal report from the Chief Finance Officer for Cabinet approval.

18.6 Treatment of Overspends and Underspends

18.6.1 The Chief Finance Officer may, on consideration of the overall financial position of the Council at the end of a financial year, recommend to Cabinet whether overspends by departments should be set off against budgets in the subsequent financial year and whether underspends by departments can be made available for specific projects or carried forward to the subsequent financial year, or otherwise accounted for, in line with the medium term resources strategy.

18.7 Accuracy of Accounts

18.7.1 It is the responsibility of Executive Directors, having regard to any guidance which may be issued by the Chief Finance Officer, to ensure that all items are correctly accounted for, and that all expenditure and income is charged to a revenue account in the first instance, in accordance with proper accounting practices. The only exceptions under the provisos of the Local Government Act 2003 are:

- expenditure under finance leases
- expenditure permitted to be charged to capital
- the repayment of sums borrowed
- expenditure on approved instruments (treasury loans)
- payments from the superannuation funds
- the use of trust funds
- transactions within the collection fund.

19. Monitoring and control of the Capital Programme

19.1 Control

- 19.1.1 Executive Directors must ensure that their total departmental capital spending in any financial year does not exceed the relevant provision within the capital Programme, except where approved by Cabinet.
- 19.1.2 The Chief Finance Officer may implement Spending Controls, for example on spending requisitions, recruitment, or contract tendering, if he/she deems such measures necessary to balance out-turn versus budget.

19.2 Reporting requirements

- 19.2.1 The Chief Finance Officer will report on the actual capital expenditure incurred by the Council as a whole to Cabinet on a regular basis. This report will include details of variations to the Capital Programme (see (c) below), the projected outturn for the financial year and the total capital resources available to the Council with which to finance such expenditure.
- 19.2.2 The Chief Finance Officer will report to Cabinet on the outturn position for capital expenditure for each financial year

19.3 Variations to the capital Programme

19.3.1 Virements

Virements between capital projects or programme headings as set out in the overall programme approved by Full Council must be notified by the relevant Executive Director to the Chief Finance Officer and cannot be actioned until they have been approved as follows:

- up to £200,000 – Chief Finance Officer
- over £500,000 and up to £1,000,000 – Cabinet Member for Finance, after consultation with other relevant Cabinet Member(s)
- over £1,000,000 and up to £10,000,000 – Cabinet

19.3.2 Changes to profiles of Capital Expenditure and Resources

Changes to profiles for capital projects or programme headings as set out in the overall programme approved by Full Council must be notified by the Executive Director to the Chief Finance Officer and cannot be actioned until they have been approved as follows:

- up to £500,000 - Executive Director
- over £500,000 - Cabinet Member for Finance, after consultation with the relevant Cabinet member.

19.4 Major Overspends and Underspends on Capital Schemes

- 19.4.1 Executive Directors must report to the Chief Finance Officer who will report to Cabinet on any schemes in progress, which are forecast to overspend or underspend by 10% or more compared to the approved budget unless the overspending or underspending amounts to less than £500,000. The report must give the reasons for the overspending or underspending.

19.5 Accuracy of Accounts

19.5.1 It is the responsibility of Executive Directors, having regard to any guidance which may be issued by the Chief Finance Officer, to ensure that all items are correctly coded and only expenditure classified as capital expenditure in accordance with proper accounting practices or as defined as such under the Local Government Act 2003 (and subsequent regulations) is charged to capital.

20. Annual statement of Accounts

20.1 Chief Finance Officer's Responsibilities

20.1.1 The Chief Finance Officer is responsible for the preparation and certification of the annual statement of accounts in accordance with current legislation and in particular with the Accounts and Audit (England) Regulations 2015. The Chief Finance Officer will make arrangements for the coordination of the Council's closing of accounts programme to ensure compliance with national guidelines.

20.2 Executive Directors' Responsibilities

20.2.1 Executive Directors are responsible for ensuring:

- i. the accuracy of their departmental accounts and compliance with all current legislation and applicable accounting codes of practice
- ii. the prompt production of adequate working papers to justify all items attributable to them in the statement of accounts
- iii. the achievement of their departmental closing of accounts programme in line with the Chief Finance Officer's timetable for the closure of accounts and production of the annual statement of accounts
- iv. the completion of all grant claims accurately, within deadlines and with adequate supporting working papers, ensuring that income due to the Council is maximised
- v. that their staff cooperate fully with the Council's external auditors during their audit of the accounts and grant claims.

21. Leases

21.1 Capital Accounting Considerations

21.1.1 The taking or granting of a lease on any asset may form part of the Council's capital expenditure or receipts, and must, therefore, be provided for with the Council's relevant accounts, depending on the nature of the asset.

21.2 Consent

21.2.1 Executive Directors are required to consult with the Chief Finance Officer as early as possible in order to obtain advice on the correct assessment of a lease (as 'finance' or 'operating') and to obtain written permission from him before taking or granting a lease on any asset. The exceptions to this are:

- i. the granting of short-term leases on property within the commercial property portfolio managed by the director of regeneration.

ii. the granting of leases on housing revenue account dwellings under the right to buy provisions of the Housing Act 1985.

iii. Other exceptions as pertaining at the time of consent.

22. Schools Financial Framework

22. 1 Application of Standing Orders

22.1.1 Delegated budgets of schools, in accordance with the Schools Standards and

Framework Act 1998, remain part of the authority. The statutory responsibilities of the Chief Finance Officer apply to schools in the same way as any other part of the Council.

22.2 Financial Regulations

22.2.1 Financial regulations applying to schools which differ from those issued to Executive Directors and departments will be issued by the Executive Director of children's and adults services after agreeing them with the Chief Finance Officer.

22.3 Scheme for financing schools

22.3.1 The Chief Finance Officer and Executive Director of People will consult on and issue a scheme for financing schools annually.

23. Treasury Management

23. 1 Prudential Framework

23.1.1 Prudential Indicators

The Chief Finance Officer shall set out prudential indicators for capital finance and treasury management under the provisions of the Local Government Act 2003 for consideration and decision by Full Council alongside consideration of the budget and Council tax each year.

23.1.2 Reporting

The Chief Finance Officer shall monitor and report at least twice a year to Full Council on performance against the indicators.

23.2 Borrowing and Treasury Management Strategy and Decisions

23.2.1 Strategy

The Chief Finance Officer shall set out the borrowing and treasury management strategy (including prudential borrowing arrangements) for consideration and decision by the Full Council each year, in accordance with statutory guidance on local government investments and the CIPFA code of practice on treasury management in the public sector.

23.2.2 Decisions

All Cabinet and operational decisions on borrowing, credit finance and investments are delegated to the Chief Finance Officer.

23.2.3 Borrowing Considerations

Public Works Loans Board (PWLB) will be the lender of choice for all longer term borrowing for capital purposes. This will be subject to long and short-term assessments of any alternative borrowing options accounting for lifetime risk and economic costs, debt and asset maintenance and debt financing costs. The default period for such alternative borrowing will be 20 years in order to mitigate risk involved with longer term commitments. Short term (less than 12 months) will be subject to more immediate considerations and may include options to borrow from other Local Authorities, subject to market conditions.

23.2.4 Reporting

The Chief Finance Officer shall monitor and report on operational activity in relation to the strategy on a regular basis to Cabinet and at mid year and year end to Full Council.

23.3 Departure from Statutory Guidance or the CIPFA Code

23.3.1 If the Chief Finance Officer should wish to depart materially from the main principles of the guidance or code, the reasons should be reported to the Full Council.

Glossary

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| Budget adjustments / virements | A budget adjustment or virement is a movement of an approved budget from one budget heading or service to another. It will be self-balancing and will be in response to either a change in the level of service (increased or decreased) or additional net costs or benefits within a service. It includes changes to expenditure and income budgets to take account of new grants or other income and associated expenditure including movements between subjective categories of income and expenditure and also corrections to budgets which were set on the basis of incomplete information. It may recognise movements to and from reserves and balances, which may only be actioned by the Chief Finance Officer. |
| Capital Programme | The Capital Programme is a medium term statement of the Council's preferred proposals for capital expenditure (including capital leasing), having regard to the known and anticipated level of resources. |
| CIPFA | The Chartered Institute of Public Finance and Accountancy (CIPFA) is the accounting body with responsibility for issuing guidance on how accounting standards are to apply to local authorities. |
| Financial regulations | Financial regulations are such procedures that the Chief Finance Officer shall issue from time to time as part of the Financial Standing Orders. |
| Minor changes | Minor changes are defined as: <ul style="list-style-type: none"> · typographical/presentational/explanatory changes · changes in statutory framework, i.e. references to new or updated legislation · changes in titles, names or terminology · changes consequential to other constitutional changes already made. |

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| Partnership | <p>A partnership is an agreement between the Council and one or more parties to work together to enable the service provider to give the client the best possible service. The Council may not always be the lead provider and the agreement may take a number of forms: it may be contractual, but involve a more integrated, consultative and interactive working relationship or there may be no contract, no formal specification and no competitive process. As a minimum, there should be a service level agreement. Partnerships include joint arrangements, joint committees, joint venture companies and any other special purpose vehicles.</p> |
| Profiles of expenditure/resources | <p>Profiles of expenditure and resources are estimated patterns of expenditure and income through the year. For capital projects, these will often span more than one financial year. The construction of profiles enables the accurate monitoring of actuals and commitments each month which is essential to ensure that resources are used effectively.</p> |
| Prudential Indicators | <p>Prudential indicators are indicators set by each local authority under CIPFA's prudential code for capital finance to help demonstrate that capital investment plans are affordable, prudent and sustainable and that treasury management (see below) decisions are taken in accordance with good practice. Examples of indicators are ratios of financing costs to net revenue streams; estimates of the incremental impact of capital investment decisions on Council tax and levels of external debt.</p> |
| Treasury Management | <p>Treasury management is the management of the Council's long-term borrowing and short-term cash surpluses and deficits in line with its debt and investment strategies</p> |

Section 8: Contract Procedure Rules

[Appended Separately]

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Section 9: Legal Procedure rules

Seal of the Council

1. The Common Seal of the Council may be affixed either by physical means or by such electronic means as the Monitoring Officer may from time to time authorise. The fixing of an electronic seal shall be of the same legal effect as affixing the Corporate Seal of the Council physically.
2. The Monitoring Officer or, such other officer as may be nominated by them, will be responsible for the safe custody of the Corporate Seal of the Council, this will include the electronic version.
3. Any decision of the Council, Executive, any committee or sub-committee, or any officer exercising delegated powers shall, for the purposes of this standing order, be deemed to authorise the affixing of the Corporate Seal of the Council to any document where this is required to implement the decision.
4. The affixing of the Corporate Seal of the Council shall be attested by the Mayor or Deputy Mayor or the Monitoring Officer (or such other officer as may be nominated by the Monitoring Officer to act in their absence). The signature(s), which may be either by physical means or by such electronic means as the Monitoring Officer may from time to time authorise, will be taken as proof that the document has been sealed in accordance with the Constitution.
5. Details of all documents sealed will be recorded in a register specifically kept for that purpose by the Monitoring Officer and each entry will be signed by the person or people who attested to the affixing of the Seal and such signature may be applied physically or electronically.
6. The Council's seal shall be affixed to contracts where required by Contract Procedure Rules.

Authentication of Documents for Legal Proceedings

7. Any document which will form a necessary step in legal proceedings on behalf of the Council must be signed, either physically or by electronic means, by the Monitoring Officer or a person nominated by them unless:
 - a. any enactment requires or authorises otherwise, or
 - b. the Council gives the necessary authority to another person.

Custody of Minutes, Deeds, Etc.

8. A printed copy of the signed (either physically or electronically) minutes of the proceedings of a meeting of the Council, the Cabinet or a Committee will be termed "official copy" and will be kept by Monitoring Officer. Official copies will be bound together periodically and stored in a safe place at the offices of the Council.
9. Deeds, contracts, registers, papers and other official and legal documents belonging to the Council will be kept in the charge of the Monitoring Officer at the offices of the Council.

These documents will not be taken out of the custody of the Monitoring Officer without leave of the Council or of the Cabinet.

10. The Chief Executive, as Electoral Registration Officer will have custody of the Electoral Register.
11. The Executive Director of Resources will have custody of the Council's books of accounts.

Interest of Officers in Contracts

12. The Monitoring Officer will record particulars of pecuniary interests notified to them by Officers under Section 117 of the Local Government Act 1972. The record will be made in a book kept for the purpose, which will be available for inspection, by Members during normal office hours.

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Part 6: Overview and scrutiny and policy development committees

Contents

Section 1: Establishment, overall role and terms of reference of committees

- A: Roles overall
- B: Terms of reference**

Section 2: Legal powers

- A: Summary
- B: Powers relating to access to information**
- C: Powers to require attendance**
- D: Powers to require responses to recommendations**
- E: Powers relating to partners**

Section 3: Conduct of business

- A: Work programme
- B: Operation of committees**
- C: Arrangements for the conduct of scrutiny inquiries**
- D: Executive-scrutiny protocol**
- E: Annual report**

Section 4: Individual member and officer responsibilities

- A: Chairs and members of OSCs and PDCs
- B: Specific duties of the chair of OSC**
- C: Rights of individual members of OSCs**

Section 5: Call-in

- A: General**
- B: Decision-making arrangements leading up to call-in**
- C: Call-in requests**
- D: Consideration by full Council**
- E: Pre-meeting arrangements**
- F: Withdrawal of request**
- G: Procedures of OSC meeting**
- H: Consideration of OSC's recommendations by the decision-maker**

Section 1: Establishment, overall role and terms of reference of committees

A: Roles overall

1. By law, the Government must appoint one or more overview and scrutiny committees.
2. Redbridge Council has chosen to operate the following overview and scrutiny committees:
 - a. Overview and Scrutiny Committee;
 - b. Education Scrutiny Sub-Committee;
 - c. Health Scrutiny Sub-Committee;
 - d. External Services Scrutiny Committee.
3. These committees shall have the terms of reference and functions set out in the table below.

Policy Development Committees

4. The Council has also chosen to operate a number of Policy Development Committees. These Committees are not overview and scrutiny committees in law, and have a distinct and separate remit to those committees.
 - a. Homes and Neighbourhoods
 - b. Clean and Green
 - c. Health and Care
 - d. Safer Redbridge
 - e. Children and Young People
 - f. Strategy and Resources

Mutual and respective roles

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| <p>Overall role of overview and scrutiny committees</p> | <p>The Council operates a number of Overview and Scrutiny Committees and Policy Development Committees. Amongst the duties of those Committees is to review and scrutinise decisions of the Cabinet, to carry out work relating to the development of future Council policy, and to review the performance of the Council's services and that of local partners.</p> |
| <p>Overall role of policy development committees</p> | <p>Overall:</p> <ul style="list-style-type: none"> • To assist the Council and Cabinet in the development of new policy • To review the budget and performance of the areas within their remit every 6 months • To be able to develop own workplan in addition to receiving work from Cabinet as and when necessary |

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| | <ul style="list-style-type: none"> • To investigate policy development of matters within the Committees terms of reference <p>Additionally:</p> <ul style="list-style-type: none"> • To focus deliberations on whether policies have the intended outcomes; reach intended groups/clients; address the needs of the community; achieve customer satisfaction; and utilise resources effectively • To consider and implement mechanisms to encourage and enhance community participation in the development of policy options • To go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. • To review current policy as a means of informing future policy and to assist in formulating strategy. • To review and consider the implications of regional and national policy when inputting on Redbridge policy development • To review community consultation, involvement, and participation in the relevant area and to consider feedback to customer surveys • To invite the relevant Cabinet member to attend meetings of the committee to support policy development by providing information, advice and responses to questions • To receive presentations from stakeholder partners and the Youth Council to the relevant Policy Development Committee. |
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5. Between them, overview and scrutiny, and policy development, committees perform the following tasks:
- a. assist the Council and the Executive in the development of its Budget and Policy Framework by in-depth analysis of policy issues;
 - b. conduct research, community and other consultation in the analysis of policy issues and possible options;
 - c. consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
 - d. question Members of the Executive and/or committees and senior officers about issues and proposals affecting the area;
 - e. liaise with partners and other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
 - f. engage in effective and regular consultation and communication with the Executive and other members of the local authority during the development of plans and strategies which need the agreement of partner organisations;
 - g. review and scrutinise decisions made by and performance of the Executive and/or committees and Chief Officer both in relation to individual decisions and over time;

- h. review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
 - i. review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Scrutiny Body and local people about their activities and performance.
6. Nothing in the description of these powers should be taken as constraining the ability of overview and scrutiny committees to investigate (and produce reports and recommendations) on any matter that affects the authority's area or its inhabitants. Redbridge has organised its Policy Development Committees so as to permit them to undertake work that reflects a similar scope.

The role of the Statutory Scrutiny Officer

7. The authority is obliged to designate an officer to hold the role of "Statutory Scrutiny Officer" (SSO). This individual will:
- j. Promote the role of the authority's overview and scrutiny committee and panels;
 - k. Provide support to the authority's overview and scrutiny committee and panels, and their members;
 - l. Provide support and guidance to members (including Cabinet members) and officers in relation to the functions of the authority's overview and scrutiny committee and panels.
8. The Council has decided that the individual carrying out this role will be the person appointed as the Head of Constitutional and Electoral Services. These functions are reflected in the Scheme of Delegation and Table of Responsibilities for Functions.

B: Overview and Scrutiny and Policy Development Committees

TOR and link to procedure rules.

Overview and Scrutiny Committee

Type of Committee: Overview and Scrutiny Committee

Membership

At least 11 Councillors (not Cabinet Members) appointed by Council to include:

- A Councillor appointed by Council to Chair the Overview and Scrutiny Committee (who is not also the Chair of a Policy Development or Scrutiny Committee),
- The Chairs of each of the 6 Policy Development Committees,
- The Chairs of each of the 3 Scrutiny Committees (Education Scrutiny sub-committee, Health Scrutiny sub-committee, External Scrutiny), and
- Other such Councillors as required to achieve political balance for the Committee.

Chair

To be appointed by the Council

Quorum

3 Members (or 25% of the membership, whichever is larger)

Frequency of meetings

Monthly except August, meeting in advance of Cabinet

Sub Committees

Education Scrutiny Sub-Committee

Health Scrutiny Sub-Committee

Purpose

The purpose of the Committee is to undertake scrutiny, contributing to the development of Council policy prior to its consideration by the Cabinet. Its aim is to act as a "critical friend" and to challenge where necessary with a view to shape policy. The Committee will act as the scrutiny committee, agreeing an annual scrutiny forward plan and setting up any necessary working groups and/or allocating cross cutting pieces of scrutiny across the Policy Development Committees. The Committee will monitor responses to petitions and deputations submitted to the Council. The Committee is also responsible for developing and agreeing a Scrutiny Annual Report for submission to Council.

Roles

The Committee will fulfil the following specific roles:

- 1) To review and/or scrutinise decisions made, or actions taken in connection with the discharge of any of the Council's functions
- 2) Identify potential topics for consideration by the Committee or the Policy Development Committees (PDCs) and may develop a workplan for all PDCs

- 3) Receive and consider appeals from petitioners who feel dissatisfied with the Council's initial response to their petition
- 4) Consider Ombudsman reports where a settlement has been made following an adverse finding from the Ombudsman and to consider the Council's Annual Report on Ombudsman referrals
- 5) Consider the Council's arrangements for handling complaints and its performance in complaints handling
- 6) Develop and agree an Annual Scrutiny Report for submission to Council
- 7) Power to escalate decisions proposed to be taken by the Executive to Full Council in accordance with the Call In rules set out in the Constitution.

Powers

- To be a critical friend and support / assist the Council and Cabinet in the development and shaping of the budget and policy framework by in-depth analysis of policy issues
- To appoint scrutiny sub-committees
- To scrutinise the development of plans and strategies prior to them being considered by the relevant decision maker
- To scrutinise the effectiveness and appropriateness of the Council's strategies and policies and the allocation and use of resources in achieving the Council's vision.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas
- To review the Council's arrangements for community consultation, involvement and participation in the relevant area and to consider feedback to customer surveys
- To scrutinise the performance of existing or potential partner organisations and invite representatives to attend meetings to help the Committee with their scrutiny activities
- To engage with and represent local people and create opportunities to involve them in the scrutiny process
- To receive petitions referred to the Committee by the Council or by the relevant Cabinet Member or Chief Officer
- To consider reports from external bodies and to hear evidence from partners, experts or other stakeholders
- To appoint working groups to carry out in-depth investigations and to receive reports back from Policy Development Committees and to make appropriate recommendations to Cabinet.

- To invite the relevant Cabinet member to attend meetings of the Committee to support the scrutiny process by providing information, advice and responses to questions.

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External Scrutiny Committee

Type of Committee: Overview and Scrutiny Committee

Membership

- 11 Councillors (not Cabinet Members) appointed by the Council in accordance with the rules on political balance as agreed at Annual Council.
- 2 Co-opted members without voting rights.

Chair

A Councillor appointed by the Council

Quorum

3 Councillors

Frequency of meetings

Quarterly, or less if not required

Roles

The Panel will fulfil the following specific roles:

- To review the Crime and Disorder Partnership Plan
- To receive performance reports from external partner organisations including their arrangements for handling and learning from complaints.
- To consider proposals for significant changes to service provision in the borough.
- To review any other strategies, policies or plans relevant to the terms of reference of the panel.

Powers

The Committee has the same powers as the Overview and Scrutiny Committee (see terms of reference for this Committee) except that the Committee's powers shall relate to external providers and key partners and not to the Council and save that the Committee is not entitled to appoint sub-committees or panels or working groups.

Education Scrutiny Sub-Committee

Type of Committee: Overview and Scrutiny Sub-Committee

Membership

9 Councillors (not Cabinet Members) appointed by the Council in accordance with the rules on political balance as agreed at Annual Council.

4 Co-opted members (2 Parent Governors from maintained schools, 1 from Roman Catholic education and 1 from Church of England Education) Co-opted members may only vote on relevant education matters.

Chair

A Councillor appointed by the Council

Quorum

3 Councillors

Frequency of meetings

3 times per year (once per term)

Purpose

To contribute to the development of and scrutinise the appropriateness and effectiveness of the Council's strategies and policies relating to education matters and to review its performance against those documents and to scrutinise the Council's management of its financial resources in relation to those areas.

Specific Roles

- To review the findings and recommendations of OFSTED inspections
- To receive the school tests and examinations results
- To consider school expansions/changes to roll including school closures, expansions and new schools
- To consider any changes to the school funding formula
- To review any other strategies or policies relevant to the terms of reference of the Sub-Committee

Powers

The Sub-Committee has the same powers as the Overview and Scrutiny Committee (see terms of reference for Overview and Scrutiny Committee) except that it is not entitled to appoint subcommittees or panels or working groups.

Health Scrutiny Sub-Committee

Type of Committee: Overview and Scrutiny Sub-Committee

Membership

11 Councillors (not Cabinet Members) appointed by the Council in accordance with the rules on political balance as agreed at Annual Council.

2 Co-opted members without voting rights to include 1 from Healthwatch

Chair

A Councillor appointed by the Council

Quorum

3 Councillors

Frequency of meetings

6 times per year

Purpose

The purpose of the sub-committee is to discharge the Council's functions under section 244 of the National Health Service Act 2006 and the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013 and, in so doing, to carry out scrutiny of health bodies or health service providers and to review policy direction in relation to health matters, including public health.

Roles

The sub-committee will fulfil the following specific roles:

- To review the Integrated Healthcare Partnership
- To receive the Annual Public Health Report
- To receive performance reports and improvement plans from NHS Trusts, Healthwatch and other external health partners
- To receive CQC inspection reports
- To review any other strategies or policies relevant to the terms of reference of the sub-committee

Powers

All Scrutiny Committees and Sub-Committees have the same powers (see terms of reference for Overview and Scrutiny Committee), save that the Sub-Committee is not entitled to appoint sub-committees or panels or working groups.

Policy Development Committees

There are 6 Policy Development Committees with shared rules as follows:

Type of Committee: Overview and Scrutiny Committees

Membership

11 Councillors (not Cabinet Members) appointed by the Council in accordance with the rules on political balance as agreed at Annual Council.

Chair

To be appointed to each committee by the Council

Quorum

3 Members (or 25% of the membership, whichever is larger)

Frequency of meetings

6 times per year or less if not required (with flexibility for sub-groups to meet as often as is necessary).

The venue for meetings may vary to enable meetings to take place in a community setting.

General Powers

All Policy Development Committees have the following powers:

- To assist the Council and Cabinet in the development of new policy
- To review the budget and performance of the areas within their remit every 6 months
- To be able to develop own workplan in addition to receiving work from Cabinet as and when necessary
- To investigate policy development of matters within the Committees terms of reference
- To focus deliberations on whether policies have the intended outcomes; reach intended groups/clients; address the needs of the community; achieve customer satisfaction; and utilise resources effectively
- To consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- To go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations.
- To review current policy as a means of informing future policy and to assist in formulating strategy.
- To review and consider the implications of regional and national policy when inputting on Redbridge policy development
- To review community consultation, involvement, and participation in the relevant area and to consider feedback to customer surveys
- To invite the relevant Cabinet member to attend meetings of the committee to support policy development by providing information, advice and responses to questions
- To receive presentations from stakeholder partners and the Youth Council to the relevant Policy Development Committee.

Purpose and roles:

The purpose of each Policy Development Committee (PDC) is as set out more specifically below. Generally their aim is to consider how policy could be improved based on evidence and data and to convey such learnings by way of narrative to the decision-making body.

Each PDC should look at the broader issues and the themes aligned to the Corporate Plan. The purpose is to be discursive, exploratory, and investigative. The PDCs will receive presentations as opposed to reports upon which they will engage in discussion and feedback their views and suggestions through a summary by the Chair to the relevant officer for inclusion into any report to Cabinet.

Each Chair will represent their respective PDC at Overview and Scrutiny Committee (OSC) and will update their PDC following meetings as a first item on the Agenda for the PDC

Children and Young People Policy Development Committee

Addressing the mental health and life chance of young people and giving a greater voice to children and young people. Aiming to achieve Unicef Child Friendly status by 2025 and to receive presentations from young persons to include the Youth Council.

Clean and Green Policy Development Committee

Improving the Redbridge environment including air quality, modal shift, more recycling, and responding to the consequences of a changing environment, working toward:

- Increased residents' satisfaction with the cleanliness of their neighbourhood as a place to live.
- Reduced total amount of landfill waste.
- Reduced carbon footprint for the borough.
- Improved air quality in the borough.
- Increased shift to more sustainable forms of transport.
- Increasing access to electrical vehicle charging points
- Prevention of fly tipping and rapid removal of incidences
- Improving quality of safe and attractive green spaces
- Improve uptake of solar PV on domestic and business premises

Health and Care Policy Development Committee

Supporting independent living, addressing health inequalities and access the resource and capacity to support the Redbridge population.

- Increased average life expectancy.
- Increased average healthy life expectancy
- Increased usage of leisure facilities.

Homes and neighbourhoods Policy Development Committee

Ensuring there is both provision and management of housing supply and redesigning the offer to communities as part of place-based working, seeking to assist with achieving the following outcomes:

- Increased residents' satisfaction with their neighbourhood as a place to live.
- Reduced number of households in temporary accommodation.
- Increased percentage of residents who say that people from different backgrounds get on well in their neighbourhood.
- Increased amount of voluntary sector funding attracted to Redbridge.
- Increased numbers of new affordable homes.
- Increased numbers of high quality private sector accommodation.
- Increased quality of external environment in licensed accommodation

- Improvements to green spaces as safe and attractive places
- Improved satisfaction in planning and enforcement

Safe Redbridge Policy Development Committee

Focusing on the effective implementation of the Crime Commission with a focus on addressing issues such as VAWG, DV and ASB, disproportionality, trust and confidence in the police and probation service seeking to achieve the following outcomes:

- Increased percentage of residents who feel safe during the day.
- Increased percentage of residents who feel safe at night.
- Enhanced flooding prevention to keep residents' and homes safe

Strategy and Resources Policy Development Committee

Contributing to the development of cross cutting and corporate strategies and policies. Reviewing performance against these as well as scrutinising the management of its financial resources. Expanding and improving

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Joint Health Overview and Scrutiny Committees (JHOSCs)

The Council has (with other Councils in East London) established two Joint Health Overview and Scrutiny Committees to carry out scrutiny and oversight across the North East London health landscape.

Outer North East London (NEL) Joint Health Overview and Scrutiny Committee

Establishment of the JHOSC

1. The Outer North East London Joint Health Overview and Scrutiny Committee (the JHOSC) is established by the Overview and Scrutiny Committees having health responsibilities of the London Borough Councils of Barking & Dagenham, Havering, Redbridge and Waltham Forest ("the borough OSCs") in accordance with s.190-191 of the Health and Social Care Act 2012 and consequential amendments and the Local Authority (Public Health, Health and Wellbeing Board and Health Scrutiny) Regulations 2013.

Membership

2. The JHOSC will consist of three Members appointed of each of the Borough OSCs with the exception of Waltham Forest which will have one Member.
3. In accordance with section 21(g) of the Local Government Act 2000, Executive Members may not be members of an Overview and Scrutiny Committee.
4. The Essex County Council may nominate one full Member for the Joint Health Overview and Scrutiny Committee. Thurrock Borough Council Health Overview and Scrutiny Committee may nominate an observing Member of the Joint Health Overview and Scrutiny Committee. The Councils of the Borough of Brentwood and District of Epping Forest may also each nominate an observing Member.
5. Appointments made to the JHOSC by each participating London borough OSC or Council will reflect the political balance of the borough Council, unless a participating borough OSC agrees to waive the requirement and this is approved by the JHOSC.

Attendance of Substitute Members

6. If a Member is unable to attend a particular meeting, he or she may arrange for any appropriate Member of the borough Council to attend as substitute, provided that a Member having executive responsibilities may not act as a substitute. Notice of substitution shall be given to the clerk before the commencement of the meeting.

Role and Function of the JHOSC

7. The JHOSC shall have the remit to review and scrutinise any matter, including substantial variations, relating to the planning, provision and operation of health services that affect two or more boroughs in Outer North East London. The JHOSC will have the right to respond in its own right to all consultations on such matters, both formal and informal.

8. In fulfilling its defined role, as well as reviewing documentation, the JHOSC will have the right to do any or all of the following:
- a. Request information or to hold direct discussions with appropriate officers from each of the following organisations or their successor bodies:
 - Barking and Dagenham Clinical Commissioning Group (CCG)
 - Havering CCG
 - Redbridge CCG
 - Barking, Havering and Redbridge University Hospitals NHS Trust
 - Barts Health NHS Trust Care Quality Commission
 - East London Health and Care Partnership
 - London Ambulance Service NHS Trust
 - NHS England
 - NHS Improvement
 - North East London Commissioning Support Unit
 - North East London NHS Foundation Trust
 - Moorfields Eye Hospital NHS Foundation Trust

as well as any other NHS Trust or other body whose actions impact on the residents or two or more Outer North East London Boroughs;
 - b. Co-operate with any other Joint Health Overview and Scrutiny Committee or Committees established by two or more other local authorities, whether within or without the Greater London area;
 - c. Make reports or recommendation to any of the NHS bodies listed above and expect full, written responses to these;
 - d. Require an NHS or relevant officer to attend before it, under regulation 6 of the Regulations, to answer such questions as appear to it to be necessary for the discharge of its functions in connection with a consultation.
 - e. Such other functions, ancillary to those listed in a to d above, as the JHOSC considers necessary and appropriate in order to fully perform its role.

Although efforts will be made to avoid duplication, any work undertaken by the JHOSC does not preclude any individual constituent borough Overview and Scrutiny

Committee from undertaking work on the same or similar subjects.

Co-optees

9. The JHOSC shall be entitled to co-opt any non-voting person as it thinks fit or appropriate to assist in its debate on any relevant topic. Each borough Healthwatch organisation for Barking & Dagenham, Havering, and Redbridge shall be entitled to nominate one co-opted (non-voting) member of the JHOSC. The power to co-opt shall also be available to any Working Groups formed by the JHOSC.

Formation of Working Groups

10. The JHOSC may form such Working Groups of its membership as it may think fit to consider any aspect or aspects of its work. The role of such Groups will be to consider the matters referred to it in detail with a view to formulating recommendations on them for consideration by the JHOSC. The precise terms of reference and procedural rules of operation of any such Groups (including number of members, chairmanship, frequency of meetings, quorum etc) will be considered by the JHOSC at the time of the establishment of each such Group; these may differ in each case if the JHOSC considers it appropriate. The meetings of such Groups should be held in public except to the extent that the Group is considering any item of business from which the press and public could legitimately be excluded under the Access to Information legislation. The extent of available resources and the existence of relevant ongoing work at a borough level will also be considered by the JHOSC when considering whether to establish a working group.

Meetings of the JHOSC

11. The JHOSC shall meet formally at such times, at such places and on such dates as may be mutually agreed, provided that five clear days' notice is given of the meeting. The Committee may also meet informally as and when necessary for purposes including, but not limited to, visiting appropriate sites within the boroughs or elsewhere.
12. The JHOSC will meet on a minimum of four occasions per year with any variation to be agreed by the Committee. Meeting venues will normally rotate between the four Outer North East London boroughs.

Meetings shall be open to the public and press in accordance with the Access to Information requirements. The public and press are permitted to report on JHOSC meetings using electronic media tools however oral commentary will not be permitted in the room during proceedings.

Attendance at Meetings

13. Where any NHS officer is required to attend the JHOSC, the officer shall be given reasonable notice in advance of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the JHOSC. Where the account to be given to the JHOSC will require the production of a report, then the officer concerned will be given reasonable notice to allow for preparation of that documentation.

14. Where, in exceptional circumstances, the officer is unable to attend on the required date, and is unable to provide a substitute acceptable to the JHOSC, the JHOSC shall in consultation with the officer arrange an alternative date for attendance.
15. The JHOSC and any Working Group formed by the JHOSC may invite other people (including expert witnesses) to address it, to discuss issues of local concern and/or to answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.
16. The JHOSC shall permit a representative of any other authority or organisation to attend meetings as an observer.

Quorum

17. The quorum for the JHOSC shall be four, provided there is present at least one Member from at least three of the London borough OSCs. For meetings involving the writing or agreeing of a final report of the Committee, the quorum shall comprise at least one representative from each of the four London borough OSCs.

Chair and Vice Chair

18. Each meeting will be chaired by a Member from the host borough on that occasion.

Agenda items

19. Any member of the JHOSC shall be entitled to give notice to the Clerk of the Joint Committee that he/she wishes an item relevant to the functions of the JHOSC to be included on the agenda for the next available meeting. On receipt of such a request (which shall be made not less than five clear working days before the date for despatch of the agenda) the relevant officer will ensure that it is included on the next available agenda.

Notice and Summons to Meetings

20. The Clerk of the Joint Committee will give notice of meetings to all members. At least five clear working days before a meeting the relevant officer will send an agenda to every member specifying the date, time and place of each meeting and the business to be transacted, and this will be accompanied by such reports as are available.
21. Any such notice may be given validity by e-mail.
22. The proper officer of each Council shall ensure that public notice of the meeting is displayed in accordance with the customary arrangements of that Council for giving notice of Committee etc. meetings.

Reports from the JHOSC

23. Where required, for any reviews that require recommendations, the JHOSC will prepare a formal report and submit it to the relevant bodies. In accordance with current Department of Health Guidance on the Overview and Scrutiny of Health, the JHOSC should aim to produce a report representing a consensus of the views of its members. If consensus is not reached within the JHOSC, minority views will be included in the report.
24. In undertaking its role the JHOSC should do this from the perspective of all those affected or potentially affected by any particular proposal, plan, decision or other action under consideration.

Formal Consultations and Referrals to Secretary of State

25. Under guidance on Local Authority Health Scrutiny issued by the Department of Health in June 2014, only the JHOSC may respond to a formal consultation on substantial variation proposals covering health services in more than one constituent Council area. This power also extends to the provision of information or the requirement of relevant NHS officers to attend before the JHOSC in connection with the consultation.
26. The JHOSC may only refer matters directly to the Secretary of State on behalf of Councils who have formally agreed to delegate this power to it.

Procedure at JHOSC meetings

27. The JHOSC shall consider the following items of business:
 - (a) minutes of the last meeting;
 - (b) matters arising;
 - (c) declarations of interest;
 - (d) any urgent item of business which is not included on an agenda but the Chair, after consultation with the relevant officer, agrees should be raised;
 - (e) the business otherwise set out on the agenda for the meeting.

Conduct of Meetings

28. The conduct of JHOSC meetings shall be regulated by the Chair (or other person chairing the meeting) in accordance with the general principles and conventions which apply to the conduct of local authority committee meetings.
29. In particular, however, where any person other than a full or co-opted member of the JHOSC has been allowed or invited to address the meeting the Chair (or other person chairing the meeting) may specify a time limit for their contribution, in advance of its commencement

which shall not be less than two minutes. If someone making such a contribution exceeds the time limit given the Chair (or other person chairing the meeting) may stop him or her.

30. The Chair (or other person chairing the meeting) may also structure a discussion and limit the time allowed for questioning by members of the JHOSC.

Officer Administration of the JHOSC

31. The London Borough of Havering will be the Lead Authority for clerking and administering the JHOSC. The Clerk of the Committee will be the Principal Democratic Services Officer, London Borough of Havering. Costs of supporting the JHOSC will be shared, in proportion to their representation on the Committee, by the London Boroughs of Barking and Dagenham, Havering, Redbridge, Waltham Forest and by Essex County Council, in cash or in kind.

Voting

32. Members may request a formal vote on any agenda item by informing the Clerk of the Joint Committee at least five working days before a meeting. If it is not possible to give this notice, Members have the right to request a vote at a meeting itself, provided they explain to the meeting why it has not been possible to give the standard notice of this request. The decision on whether to allow a vote, if the standard notice has not been given, will rest with the Chairman of that meeting.
33. Any matter will be decided by a simple majority of those members voting and present in the room at the time the motion was put. This will be by a show of hands or if no dissent, by the affirmation of the meeting. If there are equal votes for and against, the Chair or other person chairing the meeting will have a second or casting vote. There will be no restriction on how the Chair chooses to exercise a casting vote. Co-opted members will not have a vote.

Public and Press

34. All meetings of the JHOSC shall be open to the public and press unless an appropriate resolution is passed in accordance with the provisions of Schedule 17 of the National Health Service Act 2006.
35. All agendas and papers considered by the JHOSC shall be made available for inspection at all the constituent authority offices, libraries and web sites.

Code of Conduct

36. Members of the JHOSC must comply with the Code of Conduct or equivalent applicable to Councillors of each constituent Local Authority.

General

37. These terms of reference incorporate and supersede all previous terms of reference pertaining to the JHOSC.

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Whipps Cross Joint Health Overview and Scrutiny Committee
[To be carried over unamended from current]

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Section 2: Legal powers

A: Summary

1. OSCs may by law require attendance from certain officers and Councillors and may require the provision of information. OSCs may also require responses from the Executive to their recommendations. PDCs may only make requests in relation to those matters. For practical purposes, however, officers and members will treat their obligations to OSCs as being identical to those to PDCs.
2. Overview and scrutiny committees are all formally constituted as scrutiny committees of the Council and individually hold the following powers.
 - a. to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive. This includes the power to review or scrutinise a decision that has been made but not yet implemented – described as the power of “call-in”, and described in Part xx.
 - b. to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are the responsibility of the Executive (rules around responses to recommendations can be found at section xxx),
 - c. to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive,
 - d. to make reports or recommendations to the authority or the Executive with respect to the discharge of any functions which are not the responsibility of the Executive (rules around responses to recommendations can be founded section xxx),
 - e. to make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area.
3. These powers are subject to further requirements and provisions as set out in the Local Government Act 2000, as amended, and Regulations.

B: Powers relating to access to information Overview and scrutiny committees

1. Where an overview and scrutiny committee requires that information be made available in the form of an officer report, or associated background information, in order to support the consideration of a matter on the scrutiny work programme, the SSO will liaise with the relevant Executive Director to ensure that information can be provided in a way that meets the committee’s expectations.

2. This includes ensuring that reports containing exempt or confidential information can be shared by members, and considered in meetings, in a manner that complies with the authority's legal obligations (ie by arranging that part of a meeting be held in private).
3. This power should be exercised in concert with the power held by individual members of scrutiny committees to request decision-making documents, set out in section xxx.
4. The Health Scrutiny Sub-Committee, as the designated health scrutiny committee, may require information from NHS bodies in the local area.
5. The SSO and Monitoring Officer will assist the Sub-Committee in obtaining information required.

Policy Development Committees

6. PDCs may request the provision of information subject to the conditions and requirements set out above.
7. OSCs and PDCs may make request to any other bodies for information, but in exercising this power will have regard to the accountability relationship that such a body may have with the council. In using this power OSCs and PDCs will have regard to the advice of the SSO and Monitoring Officer.

C: Powers to require attendance Executive members and Council officers

1. Overview and scrutiny committees may require that a Chief Officer and/or a Cabinet member attend a formal committee meeting, subject to the giving of reasonable notice. The appropriate notice period will vary depending on the topic and the relative urgency and importance of the issue in question but will not usually be less than five working days before the date of the meeting.
2. Policy Development Committees may request that a Chief Officer and/or a Cabinet member attends a formal committee meeting, subject to the giving of reasonable notice as above. The individual invited will attend following such a request.

Representatives of NHS bodies

3. The Health Scrutiny Sub-Committee may require the attendance at a formal committee meeting of a representative of an NHS body.
4. The Monitoring Officer will take whatever steps are within their power to ensure compliance with these requirements.

Powers to request attendance of other people

5. Overview and scrutiny committees, and policy development committees, may request the attendance of any other person, but in exercising this power will have regard to the accountability relationship that such a body may have with the council. In using this power committees will have regard to the advice of the SSO and Monitoring Officer.

6. Requests made in this way should be expressed in the form of an invitation. Invitations should be subject to a clear understanding on both sides of the purpose and expected outcome of an external person's attendance at committee.
7. Where an overview and scrutiny committee or policy development committee proposes to issue such an invitation it will have regard to the previous relationship between the person or organisation concerned and the overview and scrutiny committees and policy development committees of the council, to avoid the risk of duplication.

D: Powers to require responses to recommendations (Cabinet)

1. OSCs may produce reports and recommendations and submit those reports and recommendations to the Cabinet. PDCs (and inquiries commissioned by PDCs) may also produce recommendations, which will be submitted to the Overview and Scrutiny Committee for consideration, agreement and onward referral to Cabinet.
2. Cabinet must respond to these reports and recommendations no later than two months after they have been agreed and submitted. The response may:
 3. Indicate which recommendations Cabinet proposes to accept and which it proposes to reject;
 4. In respect of accepted recommendations, the timescale for implementation and expected measure of success;
 5. In respect of rejected recommendations, the reasons for the rejection.

**E: Powers relating to partners
Powers relating to the scrutiny of local health services**

1. The Health Scrutiny Sub-Committee is the committee to which the Council has delegated the powers of health scrutiny provided in legislation. These powers are to:
 - a. review and scrutinise matters relating to the planning, provision and operation of the health service in the area - this may well include scrutinising the finances of local health services;
 - b. require information to be provided by certain NHS bodies about the planning, provision and operation of health services that is reasonably needed to carry out health scrutiny;
 - c. require employees, including non-executive directors of certain NHS bodies, to attend before them to answer questions;
 - d. make reports and recommendations to certain NHS bodies and expect a response within 28 days;
 - e. make a request to the Secretary of State for Health and Social Care to exercise their power to call in a proposed reconfiguration of local health services;

- f. where practicable, set up joint health overview and scrutiny committees with other local authorities and delegate health scrutiny functions to an overview and scrutiny committee of another local authority.
2. Additionally, in carrying out its role, the Sub-Committee will:
 - a. decide on the action to be taken on referrals made by local Healthwatch organisations or contractors;
 - b. respond to consultations by relevant NHS commissioning bodies and relevant health service providers on substantial reconfiguration proposals;
 - c. determine whether to participate in the operation of a joint health overview and scrutiny committee (if non-statutory).
3. The Chair of Overview and Scrutiny Committee and Chair of the Health Scrutiny Sub-Committee may, supported by the SSO, develop and agree a Protocol setting out in more detail how these duties will be transacted. If developed, such a Protocol shall have regard to the work of the Health and Care Policy Development Committee, and that of the North East London Joint Health Overview and Scrutiny Committee.
4. This Protocol may also include arrangements for liaison with the Executive, with the scrutiny functions and executives of other authorities, with NHS bodies operating locally and with any other relevant partner.
5. These powers and arrangements are subject to further requirements and provisions as set out in the National Health Service Act 2006, as amended, and Regulations.

Powers relating to the scrutiny of the community safety partnership

6. External Scrutiny Committee will be the committee designated as the "crime and disorder committee", with a responsibility to carry out scrutiny of the Redbridge Community Safety Partnership. The powers of the committee will be:
 - a. to review or scrutinise decisions made, or other action taken, in connection with the discharge by the statutory members of the Partnership of their crime and disorder functions;
 - b. to make reports or recommendations to the authority with respect to the discharge of those functions.
7. These powers are subject to further requirements and provisions as set out in ss19-20 of the Police and Justice Act 2006.

Powers relating to the scrutiny of flood risk management

8. External Scrutiny Committee will carry out duties relating to scrutiny of flood risk management.
9. The committee will review and scrutinise the exercise by risk management authorities of flood risk management functions, and coastal erosion risk management functions.

10. The committee may make requests for information to risk management authorities, and may issue reports to risk management authorities. Risk management authorities must comply with requests and respond to reports.

Powers relating to the scrutiny of the Council's partners

11. All overview and scrutiny committees may issue reports and make recommendations that relate to "relevant partner authorities", as listed in the Local Government Act 2000. These partner authorities must have regard to those reports and recommendations.

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Section 3: Conduct of business

A: Work programme

1. The Overview and Scrutiny Committee will exercise a co-ordinating function in order to ensure that the work of overview and scrutiny committees, and policy development committees, is co-ordinated and targeted to those matters where members' activity can add the most value. A single work programme will provide a forward look of matters under consideration across the overview and scrutiny and policy development functions.
2. The work programme will be used to manage and prioritise:
 - a. The consideration of matters in committee;
 - b. The commissioning of scrutiny inquiries or other "deep dive" activity (which may only be commissioned by the Overview and Scrutiny Committee, and carried out either by a Policy Development Committee or a task group of the relevant PDC).
3. Any scrutiny member will be able to propose any matter for inclusion on the work programme. Such requests will be considered on the agenda for the next suitable Overview and Scrutiny Committee meeting, for the committee to make a determination as to whether or not the subject in question should be considered substantively, and if so at what forthcoming meeting.
4. The agenda for meetings of OSC will usually be informed by the Forward Plan of future Executive decisions and the need to undertake pre-decision scrutiny of that activity.

B: Operation of committees

1. Ordinary committee meetings will operate further to the arrangements set out in the Committee Procedure Rules.
2. Call-in meetings will also operate further to those arrangements, subject to the arrangements set out in sections xx onwards.

Approach to pre-decision scrutiny

3. Pre-decision scrutiny is primarily exercised by the Overview and Scrutiny Committee through the calling-in of Cabinet decisions before they are made.
4. During pre-decision scrutiny, the Overview and Scrutiny Committee may make recommendations to Cabinet to consider when making its decision.
5. Pre-decision scrutiny may occur earlier in the process before a recommendation or report to Cabinet is fully formed. This will usually be through policy development at any Overview and Scrutiny Committee or a Policy Development Committee.

C: Arrangements for the conduct of scrutiny inquiries

1. Overview and scrutiny committees and policy development committees may establish panels or working groups to conduct time-limited inquiries on matters of importance to the local area and its inhabitants, or they may undertake those inquiries by themselves through the organisation of informal workshops.
2. The matter of whether and when to conduct an inquiry will be subject to its inclusion on the work programme.
3. Inquiries will be commissioned further to a scoping document submitted to, and agreed by, [a committee]. The findings, reports and recommendations of inquiries will following consideration and agreement at the relevant PDC, be submitted to Overview and Scrutiny Committee, with a recommendation to resolve that they be submitted to the Executive, or to others, in line with the arrangements set out in xxxx.

D: Executive-scrutiny protocol

1. The Chair of OSMC along with other Chairs may make arrangements with the Executive, supported by officers, to agree an Executive-Scrutiny Protocol to develop or extend the powers set out in these Procedure Rules. In this event the Protocol will form part of the Constitution and if necessary these Procedure Rules will be amended accordingly.

E: Annual report

1. The Chair of Overview and Scrutiny Committee will propose to the committee the agreement of an annual report, summarising the activities of overview and scrutiny committees, and policy development committees, through the year and the impact of those activities. The report will be submitted to full Council for consideration.

Section 4: Individual member and officer responsibilities

This section should be read in conjunction with Part 3 on the rights of councillors.

A: Chairs and members of overview and scrutiny and policy development committees

Chairs

1. The Chairs of the overview and scrutiny committees and sub-committees, and the Chairs of the policy development committees, will be appointed by the Full Council at its Annual Meeting.

Councillor members

2. The membership of committees will be agreed as part of the wider committee allocations at Council AGM and will be decided in accordance with the Council's rules on political proportionality unless agreed otherwise by a unanimous vote of all members present.
3. Arrangements for in-year appointments and substitutes shall be as set out in the Committee Procedure Rules, paragraph xxx.
4. Any Councillor can be appointed to an overview and scrutiny or policy development committee except for:
 - a. A current member of the Cabinet;
 - b. A member appointed informally by Cabinet to assist or support Cabinet to develop policy in a particular area, who may not sit on a committee whose terms of reference cover the policy area in question;
 - c. A former member of the Executive who left their role less than six months previous to the proposed date of appointment, other than where that member left their Executive role as a result of a change of administration / political control at the authority. There will be an exception to this rule where:
 - d. If the member in question has since moved to a different political group;
 - e. If full Council resolves otherwise.

Co-opted members

5. Committees may by resolution appoint non-voting members who are not members of the Council. These co-optees will be appointed further to arrangements set out by the SSO.
6. Four voting co-optees will be appointed (as required by law) to sit on Education Scrutiny Sub-Committee as church and parent representatives:
 - a. A representative of parent governors sitting on the governing bodies of maintained primary schools;
 - b. A representative of parent governors sitting on the governing bodies of maintained secondary schools;

- c. A representative of the Diocese of London (Church of England);
 - d. A representative of the Diocese of Westminster (Roman Catholic).
7. They will hold voting rights only in respect of the committee's consideration of education matters.
 8. The parent governor representatives will be appointed following an election of parent governors administered by the Monitoring Officer, subject to rules set out in Regulations.
 9. The diocesan representatives will be appointed by their respective dioceses.
 10. The Council will take reasonable steps to fill vacancies in these positions when they arise.
 11. Co-optees, however appointed, may not chair meetings of overview and scrutiny committees or policy development committees.

B: Specific duties of the Chair of Overview and Scrutiny Committee

1. This section should be read in conjunction with Part xx of the Constitution (Councillors' roles).
2. The Chair will:
 - a. Promote the role of the authority's overview and scrutiny committees and policy development committees;
 - b. Liaise with, and support liaison between, the chairs of overview and scrutiny and policy development committees;
 - c. Ensure that an effective and proportionate work programme for committees is in place;
 - d. Report to council on the activity, impact and effectiveness of the committees;
 - e. Further to a request made by a decision-maker, decide whether to approve a request for a key decision to be expedited under the "special urgency" rules set out in section xxx. (If the Chair is not available, this duty to be performed by the Mayor and in their absence, the Deputy Mayor).

**C: Rights of individual members of overview and scrutiny committees
To request and require information**

1. Members of overview and scrutiny committees have enhanced rights to access documents relating to Executive decisions that are held by the authority. All Councillors have rights to access information if they can demonstrate a "need to know" that information. Full details on individual members' rights to information are provided in section xxx of the Constitution.
2. Scrutiny committees have the ability to request and require that information be provided. Arrangements are set out in section xxx.

To place items on the agenda of overview and scrutiny meetings

3. A member of an overview and scrutiny committee may request that an item be substantively considered by that committee for inclusion on the scrutiny work programme.
4. The committee will, by resolution on the work programme as a whole, determine whether the matter will be substantively considered.

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Section 5: Call-in

A: General

1. A key decision may be called in by members of the Overview and Scrutiny Committee after it has been made, but before it has been implemented.
2. Key decisions of the following may be called in:
 - a. The Leader
 - b. The Cabinet
 - c. Individual Cabinet members
 - d. Committees of Cabinet
3. The right to call in a decision does not apply to Executive decisions that are not Key Decisions, or to any non-Executive decision.
4. The right to call in a decision does not apply to Key Decisions that are subject to the general exception, or special urgency, arrangements described in section xxx.
5. Decision reports will indicate whether or not each recommended decision is subject to call-in.

B: Decision-making arrangements leading up to call-in

1. Arrangements for making Key Decisions can be found in section xxx.
2. Key decisions must be placed on the Forward Plan, and in advance of being made they will be placed on public deposit for five clear working days.
3. Notification of the decision shall be sent to the Chair of the relevant overview and scrutiny committee and to the Leaders of all political groups.
4. Once a decision has been made it may not be implemented until a period of five clear working days has passed. During this period a call-in may be requested.

C: Call-in requests

1. A call-in request must be signed by at least five members. Signatories may be members of any political group, (or none), and are not required to be members of an overview and scrutiny committee or policy development committee.
2. Members considering submitting a request for a decision to be called in shall notify the Monitoring Officer of their intention as soon as possible and should seek and take advice prior to formally submitting a request.

To be valid, a request for a call-in must:

- a. Be signed (including being electronically signed) by the five members in question;
- b. Specify the reason for the decision to be called in (see below);
- c. Set out any relevant evidence in support of that reason;

- d. Specify any alternative lawful approach or option that Cabinet should take into account in reconsidering the decision;
 - e. Set out the members' preferred outcome (for example, the amendment of the decision or its withdrawal).
3. The validity of a call-in will be determined by the Monitoring Officer.
4. In the event that the Monitoring Officer is notified that two different groups of members propose to call a decision in, the Monitoring Officer shall invite the members to merge the requests. If this is not possible the first valid call-in request to be submitted shall be the one considered by the committee.
5. The reason for the decision to be called in as set out in (2) above must be one of the following:
 - a. That the decision has been made outside the Budget and Policy Framework. If so, the procedure described under section xxx will apply;
 - b. That the decision represents poor value for money (and that the decision therefore does not deliver Best Value);
 - c. That relevant considerations / evidence have not been considered, or been appropriately weighed, by the decision-maker;
 - d. That the decision will not deliver the desired policy objective.
6. No other reason for a call-in will be valid.
7. When determining whether a request is an appropriate use of the call-in procedure, the Monitoring Officer may consider the following factors:
 - a. Whether an Overview and Scrutiny Committee has previously considered the matter as part of pre-decision scrutiny;
 - b. Whether there has been substantive change in the nature of the decision since pre-decision scrutiny;
8. Whether the recommendations or alternative course of action proposed in the call-in request have been previously considered and rejected in whole or part as part of pre-decision scrutiny; On receipt of a call-in request, the Monitoring Officer will review the request in line with the above, and in line with any guidance that may have been agreed by Overview and Scrutiny Committee.
9. If the request is valid the Monitoring Officer will notify the relevant Executive Director that a valid call-in request has been received. At the same time the SSO will notify members of the overview and scrutiny committee, the Leaders of all political groups, and if applicable any non-aligned members, that a valid call-in request has been received.

10. This notification shall set out the terms of that request and by whom it has been made. The report author and relevant Executive Director will be notified that the decision cannot be implemented until the call-in has been heard by OSC.

D: Consideration by Full Council

1. In the event that a valid call-in request argues that the decision has been made outside the Budget and Policy Framework, the call-in will be heard by Full Council.
2. Arrangements for Full Council's consideration of call-ins can be found in the Council Procedure Rules.

E: Pre-meeting arrangements

1. In the event that a call-in is requested for any reason other than that the decision has been made contrary to the Budget and Policy Framework, the following procedure will apply.
2. When a valid call-in request has been received and verified, (notwithstanding the possibility that a further request will be received and need to be considered in line with section xxx above), the SSO will:
 3. In co-ordination with the Chair of OSC, identify a date on which a meeting of OSC can be convened to consider the call-in. The meeting must take place within 10 days of the verification of the validity of the call-in request. Call-ins will not usually be placed on the existing agenda of meetings already planned, but will usually instead be considered as the only substantive item on a meeting especially convened for the purpose of hearing the call-in. This meeting may take place immediately before, or immediately following, an ordinary meeting of the committee. This requirement may be waived if the Chair of OSC and the SSO consider that consideration of the call-in at a scheduled meeting will be the most efficient and effective approach.
4. Notify the relevant Executive Director and Cabinet member:
 - a. of the date and time of the meeting, and on behalf of the committee require their attendance at that meeting;
 - b. that the decision may not be implemented until the call-in process has been concluded;
 - c. In the event that the call-in has been requested by the Chair (either individually or alongside other members) liaise with the Chair and MO to determine whether the specifics of the situation require that in the interests of objectivity another member chair the meeting;
 - d. Liaise with the proper officer, and Proper Constitutional Officer, to issue the summons for the meeting in line with legal requirements, to include relevant

documentary information relating to the call-in, in support of the committee's considerations.

5. Relevant documentary information relating to the call-in will include, at a minimum:
 - a. A copy of the relevant report published for the decision-making meeting at which the called-in decision was made;
 - b. A copy of the written record of the decision taken;
 - c. A copy of the valid call-in request and any evidence supporting that request;
 - d. If available, any further relevant information provided by the executive.
6. As a guide, from the making of the initial decision to the response of the decision-maker the call-in process should take no longer than one month.

F: Withdrawal of request

1. A call-in request may be withdrawn at any time prior to the relevant meeting of OSC, by a notice to this effect signed by all of the request's signatories. Signatories may individually request that their signature is removed from the request. If, in doing so, the number of signatories to a call-in falls below the threshold set out in the section the call-in will no longer be valid and the process will end.

G: Procedures for OSC meeting

1. At the meeting of OSC where a call-in is considered, the arrangements for debate will be notified to members attending the meeting beforehand. The Chair will have discretion to make arrangements for debate so as to ensure fairness to all concerned.
2. Usually arrangements will provide for:
 - a. The call-in, and the reasons for it, to be presented by one of the signatories to the request;
 - b. A response from the relevant Cabinet Member, on behalf of Cabinet as the decision-maker;
 - c. The presentation of evidence from others in attendance who the Chair may decide to grant the right to contribute. This may include parties affected by the decision (including members of the public);
 - d. A debate between members (to which the Cabinet Member would contribute at the discretion of the Chair);
 - e. A resolution by the committee:
 - i. That the decision stand and no recommendation be made to the decision-maker. If this is the case the decision can be implemented immediately;

- ii. That in the view of the Committee the decision is contrary to the Budget and Policy Framework (notwithstanding that the original request did not cite this as a reason for the call-in), and the decision should be referred to Full Council for consideration;
 - iii. That it be recommended to the decision-maker that the decision be amended, with the nature of the amendment being set out, giving reasons;
 - iv. That it be recommended to the decision-maker that the decision be withdrawn, giving reasons.
3. No other form of resolution will be permitted. If no resolution can be agreed, the call-in procedure will end and the decision can be implemented immediately.
4. A resolution can be made on a show of hands, or the Chair may decide (on the basis of the relevant Procedure Rules) to take a recorded vote of members of the committee.

H: Call-in: Consideration of OSC's recommendations by the decision-maker

1. Once OSC has made a resolution recommending action to Cabinet as the decision-maker, the Monitoring Officer will make arrangements for a meeting of Cabinet to be convened to consider and respond to the recommendation.
2. Cabinet may at that meeting resolve:
 - a. to continue with the implementation of the decision, in which case implementation will take place immediately;
 - b. to amend or withdraw the decision.
3. Cabinet will have regard to advice given by the Monitoring Officer and Chief Financial Officer.

Part 7: Codes and protocols

Contents

- Section 1: Code of conduct for officers
- Section 2: Code of conduct for members
 - Appendix: members' allowances scheme
- Section 3: Statutory officer protocol
 - Appendix: monitoring officer protocol
- Section 4: Member-officer protocol
- Section 5: Code of corporate governance

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Section 1: Code Of Conduct (For Officers)**INDEX**

| <i>No.</i> | <i>Heading</i> |
|-------------------|--------------------------------------|
| 1. | Introduction |
| 2. | Status of the Code |
| 3. | Who is the Code aimed at |
| 4. | Breaches of the Code |
| 5. | Standards |
| 6. | Disclosure of information |
| 7. | Political neutrality |
| 8. | Relationships |
| 9. | Dual employment |
| 10. | Personal interests |
| 11. | Equality issues |
| 12. | Separation of roles during Tendering |
| 13. | Corruption |
| 14. | Use of Financial Resources |
| 15. | Hospitality |
| 16. | Sponsorship – Giving and Receiving |

CODE OF CONDUCT

1. Introduction

- 1.1. The public is entitled to expect the highest standards of conduct from all Employees who work for local government. The purpose of this Code is to restate existing laws, regulations and conditions of service to assist Council employees (and others engaged by the Council - see 3.2 below) in their day-to-day work, in the light of the challenges they face in the new and more commercially orientated environment.
- 1.2. All employees, and other people working on behalf of the Council, are required to comply with this Code and Council policies and procedures. There may also be additional requirements set out in their contract of employment which must be adhered to.

2. Status of the Code

- 2.1. The Code sets out the minimum standards that should apply. The aim of the Code is to lay down guidelines for employees and others working on behalf of the Council which will help maintain and improve standards and protect employees from misunderstanding or criticism.

3. Who the Code is aimed at

- 3.1. The Code applies to all London Borough of Redbridge employees.
- 3.2. This Code also applies to anyone the Council engages or contracts to carry out any of its functions, even though not directly employed by the Council. **When the term 'employee' is used, this will also apply to the following:**

- Consultants and their employees
- Contractors and their employees
- Employees of other organisations who have been seconded to work for the Council
- Agency workers
- Volunteers and individuals undertaking work placements or apprenticeships or similar roles
- Casual workers

- 3.3. Inevitably some of the issues covered by the Code will affect senior managerial and professional employees more than others, but the Code covers all employees under a contract of employment including office holders such as registrars. Activities carried out by employees acting on behalf of the Borough as members of companies or voluntary organisations are subject to the Code.

4. Breaches of the Code

- 4.1. Breaches of the Code may result in action under the Council's Disciplinary Policy and Procedures. Serious breaches of the Code may be considered to be gross misconduct.

4.2. In the case of those not directly employed by the Council (see 3.2. above) if it is established that they have knowingly withheld information concerning an interest as set out in this policy, and this is relevant to their work with the Council, the following will apply:

- Consultants/contractors- consideration will be given to terminating, or seeking compensation under, the contract or other arrangement between the consultant/contractor/outside organisation and the Council
- Others - consideration will be given to termination of the assignment, placement or engagement with the Council

4.3. Where there is evidence of fraud or corruption, the matter may be referred to the police and/or other relevant regulatory body.

5. Standards

5.1. Local Government employees are expected to give the highest possible standard of service to the public and, where it is part of their duties, to provide appropriate advice to other employees and Councillors. Such advice must be unambiguous, impartial, objective and within any rules of conduct by which that employee is bound.

5.2. Employees may, without fear of recrimination, bring to the attention of the appropriate level of management any deficiencies in the provision of service.

5.3. Employees must report any impropriety or breach of procedure. Where an employee has a reasonable belief that the matter is in the public interest, they are encouraged to use the Council's [Whistle Blowing Procedure](#)

6. Disclosure of Information

6.1. It is generally accepted that open government is best. The law requires that certain types of information must be available to Members, auditors, government departments, service users and the public. The authority itself may decide to open other types of information. Employees must be aware of the types of information which, at Redbridge, are open and which are not, and act accordingly.

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

6.3. All employees are required to comply with the Data Protection Act and [Information Governance](#) requirements.

7. Political neutrality

7.1. Staff are employees of the Council as a whole, and must support Members regardless of political group, ensuring that the individual rights of all Members are respected.

- 7.2. Some senior staff will have particular working relationships, especially in policy development, with Members of the majority party or an Administration or groups which combine to form an Administration. Nevertheless, all officers are responsible for providing service and advice to all groups on the Council, and such working relationships will not prejudice that overriding requirement.
- 7.3. Staff must follow every lawful expressed policy of the Council and must not allow their personal or political opinions to interfere with providing balanced professional advice or their duty to implement the policies of elected Members.
- 7.4. Staff should be aware of the political restriction placed on certain post holders by the Local Government and Housing Act 1989 and ensuing Regulations. Staff who are not directly affected by these provisions should ensure that their involvement in any outside interests does not affect the performance of their duties at work, nor risk. [Guidelines on politically restricted posts](#) are available on the intranet.
- 7.5. The Chief Executive, Executive Directors and Directors will be available to all political groups to advise on matters specific and general. The basis on which such advice is made available is that the offer shall be made to all such groups and that advice will be confidential to the group to which it is given.
- 7.6. The Chief Executive shall be advised on all occasions that such advice is requested.

8. Relationships

- 8.1. Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, employees must not be involved in an appointment where they are related to an applicant, or with whom they have a personal relationship outside work .
- 8.2. It is recognised that colleagues who work together may be involved in a personal relationship. This includes colleagues working together who are members of the same family or with whom they have a relationship outside work, e.g. partner. The Council will investigate any circumstances where that relationship appears to be having a negative impact on employment decisions, compliance with policy, or service delivery.
- 8.3. Employees must not be involved in employment decisions for any other employee who is a partner, relative, or close friend. This includes: recruitment and selection, promotion or transfer or redeployment, performance appraisal and access to training, allocation of pay and benefits, disciplinary and grievance proceedings etc. where one colleague has the authority to make a decision about another.
- 8.4. Managers should put in place the necessary control mechanisms in relation to the above decisions to ensure that the Council remains a fair, reasonable and equitable place to work, that there is complete transparency in all decision-making processes.
- 8.5. Employees should follow the [Council's Guidelines on Personal Relationships at Work](#)

9. Councillors

- 9.1. Employees are responsible to the authority through its senior managers. For some,

their job is to give advice to Councillors: all are there to carry out the authority's work. Mutual respect between employees and Councillors is essential to good local government. Close personal familiarity between employees and individual Councillors can damage the relationship and prove embarrassing to other employees and Councillors and should therefore be avoided.

10. The Local Community and Service Users

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

11. Contractors

- 11.1. All relationships with contractors or potential contractors should be made known to the appropriate manager. To do otherwise contravenes the law. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, former colleagues, friends, partners or relatives. No part of the community should be discriminated against.
- 11.2. Employees who engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity, should declare that relationship to their manager.

12. Dual Employment

- 12.1. Employees graded LBR7 or above are bound by their contracts of employment to devote their full-time service to the Council and are not entitled to engage in any other business or take up any other appointment without the express consent of their Director. Employees should therefore consult their manager before committing themselves to business or other employment.
- 12.2. While employees' off duty hours are their personal concern, they should not subordinate their duty to the London Borough of Redbridge to their private interest or put themselves in a position where their duty and private interests could conflict.
- 12.3. Any additional employment must not conflict with, or react detrimentally to, the business of the Council. Where there is any difference of view as to whether or not a particular additional employment would have that effect, the Council's view must prevail.
- 12.4. In all instances employees should discuss offers of private work with their manager to avoid potential conflict of interest. All employees should read the [Guidelines on Pecuniary Interests](#) available on the intranet and must declare as appropriate, i.e. dual employment, sponsorships, personal relationship. Further advice can be obtained from Employment Relations in the Human Resources Service.
- 12.5. Employees must not use Council premises, facilities or equipment for anything other than authorised Council business. If in doubt, employees should discuss this with their manager.

13. Personal Interests

- 13.1. Employees must declare to their manager any non-financial interests which they

consider could bring about conflict with the Authority's interests such as:

- Acting as a school governor within schools maintained by the Council
 - Involvement with an organisation receiving grant aid from the Council
 - Involvement with an organisation.
- 13.2. Employees must declare any financial interests which could conflict with their work for the Council.
- 13.3. Employees must declare to their Head of Service and Director membership of any organisation which has secrecy about rules, membership or conduct. The Director must maintain a register of such declarations for their Department.
- 13.4. Employees must not, subject as provided below, participate in any reporting process that leads to a decision concerning terms and conditions of employment that affects them directly. Participation includes: drafting, or providing comments on, any report to be considered by a relevant decision maker, and being present at a meeting of a decision-making committee when a relevant report is taken.

Provided that nothing in this sub paragraph shall restrict:

- i. The discharge by the Council's Heads of Service/ Directors who are referred to in Article 9 of the Constitution of their responsibilities to ensure that all relevant legal, constitutional, procedural, probity, financial and budgetary issues that are relevant to such decisions are duly reported, including by arranging for other Heads of Service/ Directors to prepare reports; **or**
- ii. Any of the Heads of Service/ Directors who are referred to above from attending items of business at committees, subject to compliance with relevant legal obligations as to the declaration of officer interests and any ensuing restrictions on participation.
- iii. The Director of People and Culture and their representatives in carrying out the responsibilities of their roles, will conduct reviews of employment terms and conditions as are necessary. This to include preparing options for the relevant committee and Council decision, conducting negotiations with the trade unions and the implementation of decisions made.

14. Equality Issues

- 14.1. All employees have an obligation to ensure that policies relating to equality issues as agreed by the authority are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equality.

15. Separation of Roles During Tendering

- 15.1. Employees should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 15.2. Employees in contractor or provider units must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and subcontractors.
- 15.3. Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 15.4. Employees should ensure that no special favour is shown to current or former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them.

16. Corruption

- 16.1. Employees must be aware that it is a criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour to any person in their official capacity. It is for the employee to demonstrate that any such rewards have not been corruptly obtained.

17. Use of Financial Resources

- 17.1. Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner, ensuring value for money to the local community and avoiding legal challenge to the Authority.
- 17.2. In order to comply with this requirement, employees should ensure that they have the relevant delegated authority having advised the Council of any proposed expenditure. Employees have an obligation to present Council with the necessary information concerning such issues and recommendations should be made upon the basis of fact, professional judgement and any appropriate standards as laid down by legislation, the authority or other relevant professional body. In addition, any personal involvement or benefit arising from the expenditure must be declared in advance of any decision-making process.

18. Hospitality

- 18.1. Hospitality should only be accepted where there is a genuine need to impart or receive information or to represent the Local Authority in the community or where it is in the interests of the authority to be represented. Individuals must make a record of all hospitality accepted.
- 18.2. Where hospitality has to be declined, the offerer should be courteously, but firmly, informed of the procedure and standards operating within the authority.
- 18.3. Employees must not accept significant personal gifts from contractors or outside suppliers. This does not apply to insignificant "tokens" such as promotional pens or diaries, etc.
- 18.4. See also [Council guidelines on the receiving and giving of hospitality](#).

19. Sponsorship – Giving and Receiving

- 19.1. Employees should ensure that any individual or organisation wishing to sponsor a

London Borough of Redbridge activity, whether by invitation, tender, negotiation or voluntarily, observes the provisions of this Code governing hospitality.

- 19.2. When dealing with potential sponsors, the integrity of the authority must never be compromised in any way, by its employees. In all instances employees must declare any sponsorship under the Council's [Pecuniary and Non-Pecuniary Interests Guidelines](#) and inform their Head of Service and Director accordingly.
- 19.3. Employees are responsible for ensuring that they never place themselves in a situation where a conflict of interest could occur in respect of sponsorship.
- 19.4. Employees should ensure that any individuals or organisations wishing to sponsor a Council activity are aware that in so doing this does not give or
- 19.5. imply support to the individual or organisation's activities by the Council.
- 19.6. Employees should be aware that any form of sponsorship by the Authority of an external individual or organisation, can only be authorised by a meeting of the Council or a Committee with delegated authority.
- 19.7. Employees should always give impartial advice to any person or persons when through sponsorship, grant aid, financial or other means, the authority provides support within the community.

Section 2: Code Of Conduct For Members

[will be copied over unamended from current constitution]

MEMBERS' ALLOWANCES SCHEME

The London Borough of Redbridge in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003, and having had regard to the recommendations of the Independent Panel convened by the London Councils ("The Remuneration of Councillors in London 2023) hereby makes the following scheme:

1. Outline of Scheme

- (a) This Scheme may be cited as the "Members' Allowances Scheme for the London Borough of Redbridge (2024) and comes into effect on 26 July 2024, except that the Allowances included in the Schedule to this scheme are effective from the respective dates of appointment to the Special Responsibility roles.
- (b) In this Scheme, "Member" means an elected Member of the London Borough of Redbridge.
- (c) The Scheme makes provision for the payment of a basic allowance for all Members and Special Responsibility Allowances for Members appointed to certain positions of responsibility, together with the reimbursement of the reasonable out of Borough travelling and subsistence expenses and, where appropriate, carers' expenses incurred by Members.
- (d) A Member or any other person entitled to any allowance under this Scheme may by notice in writing to the Monitoring Officer elect to forego any part of their entitlement to an allowance under this Scheme. A Member or such other person may also revoke such notice, in writing, to the Monitoring Officer.

2. Basic Allowance

Subject to paragraph 5 and 6(d) below, a basic allowance set out in the schedule to this Scheme shall be paid to each Member.

3. Special Responsibility Allowances

- (a) For each year a Special Responsibility Allowance shall be paid to those Members who have the special responsibilities, deemed to require a significant time commitment and level of responsibility from those generally expected of a member, as specified in the schedule to this Scheme;
- (b) Subject to paragraph 5, the amount of each such allowance shall be the amount specified against that special responsibility in the schedule;
- (c) When a Member would otherwise be entitled under the Scheme to more than one Special Responsibility Allowance, then the entitlement shall instead be only to one of them, being the one attracting the higher rate;

4. Co-optees' Allowances

- (a) For each year a co-optees' allowance shall be paid to those co-opted members who have the special responsibilities that are specified in the schedule to this Scheme;
- (b) Subject to paragraph 5, the amount of each such allowance shall be the amount specified against that special responsibility in the schedule.

5. Scheme and Entitlement change

- (a) Where, in the course of a year, this Scheme is amended and the resolution effecting that amendment so provides, the effect of the resolution may be backdated to the beginning of the municipal year.
- (b) Where, in the course of a year, this Scheme is amended and paragraph (a) above does not apply, or where a Member's or other person's entitlement changes, the relevant basic allowance, Special Responsibility Allowance, or co-optees' allowance will be calculated and paid pro-rata during the particular month in which the Scheme amendment or entitlement change occurs.

6. Travelling and Subsistence Expenses

- (a) Members and co-opted members may submit claims for the reimbursement of their reasonable expenses for travelling to and from "approved duties" at the rates set out in paragraph (c) and (d) below. Subject to paragraph (b) below, Members, but not co-opted members, may only submit claims in respect

of those duties which are undertaken outside the Borough. Members, but not co-opted members, may submit claims for the re-imbursment of their reasonable subsistence expenses incurred in connection with approved duties at the rates set out in paragraph (e) below.

"Approved duties" are defined as follows:-

- i) attendance at meetings of any body to which the Council makes appointments or nominations, or of any committee or sub- committee of such a body; subject to any limitations in the approved Scheme;
 - ii) attendance at any other meetings, the holding of which is authorised by the Council and to which Members from at least two political groups have been invited;
 - iii) attendance at any meeting of any association of local authorities of which the Council is a member;
 - iv) the performance of any duties undertaken in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the Council to inspect or authorise the inspection of premises, but only where those premises are outside the Borough;
 - (v) attendance at any conference or training seminar where the relevant Director or the Monitoring Officer, in consultation with the appropriate Cabinet Member/Scrutiny Chair, authorises such attendance;
 - (vi) participation in any official or courtesy visits on behalf of the Council (whether inside or outside the United Kingdom) where the relevant Director or the Monitoring Officer, in consultation with the appropriate Cabinet Member/Scrutiny Chair, authorises such participation;
 - (vii) the carrying out of any other duty or class of duty approved by the Council for the purpose of or in connection with the discharge of the Council's functions or those of its committees.
- (b) In cases where a Member or co-opted member is away on business (from their usual place of work) and has to make a journey from that location in order to attend a meeting of the Council, Cabinet or any Committee or Sub-Committee of the Authority and then has to return to that business location following the meeting, the Monitoring Officer is authorised to approve payment of travel expenses only.

(c) Travel Expenses - Rates

Actual expenses incurred by Members or co-opted members in connection with approved duties for which a claim may be made under paragraph (a) and for travelling expenses payable under paragraph (b) will be fully reimbursed up to amounts of allowances as directed from time to time by the Secretary of State for Communities and Local Government as follows:

For travel by public transport –

The actual fare paid not exceeding the ordinary fare (or any available cheap fare) and where there is more than one class of fare available, second-class fare.

For travel by private transport –

For use of a private car for attendance at approved duties mileage will be paid to Members at the flat rate of 40p per mile.

The rate may be increased in respect of the carriage of one or more passengers to whom a travelling allowance would otherwise be payable, of not more than 3p a mile for the first passenger and 2p a mile for the second and subsequent passengers.

The full amount of any expenditure incurred on tolls, ferries or parking fees, including overnight garaging.

The following rate will be paid for use of motorcycle for attendance at approved duties –

- Any motorcycle – 11.76p per mile; and
- a rate of 26p per day for the use of a pedal cycle for attendance at approved duties.

The rate for travel by taxi-cab or cab shall not exceed:-

- (i) In cases of urgency or where no public transport is reasonably available, the amount of the actual fare and any reasonable gratuity paid, and
- (ii) In any other case, the amount of the fare for travel by appropriate public transport.

(d) Members with Special Travel Needs

The Scheme also includes a provision for the reimbursement of the reasonable travelling costs for those Members or co-opted members with special travel needs, whether those needs are

permanent or temporary, to the extent that they are unable to walk, drive, cycle or use public transport to attend Council duties. A reduction of 2% shall be made in respect of the basic allowance for Members with permanent special travel needs (in lieu of the travelling element contained in the basic allowance). The duties for which reimbursement will apply are set out below:-

- i) the carrying out of any of the approved duties specified in paragraph 6(a) above;
- ii) the performance of any duties undertaken in pursuance of any Standing Order requiring a Member or Members to be present when tender documents are opened;
- iii) attendance at any meetings with officers (at the officer's request), to discuss a matter relating to the terms of reference or functions of any committee on which the Member sits;
- iv) attendance at any meetings with officers on the content of a committee agenda (allowances can be claimed by a Chair, Vice- Chair or Spokesperson of the relevant committee only);
- v) attendance at any ward surgery; and
- vi) attendance at any formal opening ceremonies, either organised by the Council, or of Council premises/facilities, to which a Member or Members have been invited.

(e) Out of Borough Subsistence Allowances

The rate of subsistence allowance shall not exceed:-

In the case of an absence outside the Borough where a Member incurs additional expenditure for meals and/or absence overnight in order to undertake an approved duty as set out in 6a (i) – (vii) above, the Member shall be reimbursed the actual amount of expenditure incurred, subject to the submission of receipts to substantiate any such claims. Prior approval should be sought by the Member from the relevant Director or the Monitoring Officer on the maximum costs to be incurred in each case.

7. Carers' Allowances

The Scheme shall include a provision for the payment of expenses for childcare and dependent care and the duties for which reimbursement will apply are the same as those set out in paragraph 6(a) above.

- (i) The maximum rate per hour shall be set at the London Living Wage (£14.80 per hour at the last review of this scheme) up to 7.5 hours of care per week;
- (ii) Payment should be claimable in respect of children aged 15 or under in respect of other dependants where there is medical or social work evidence that care is required;
- (iii) One weekly payment should be claimable in respect of the household of each Member;
- (iv) The allowance should be paid as a reimbursement of incurred expenditure against receipts;
- (v) The allowance should not be payable to a member of the claimant's own household.

8. Claims and Payments

- (a) Basic Special Responsibility, and co-optees' allowances are paid via the Council's payroll system, in instalments of one twelfth of the amounts specified in the Scheme, on approximately the 15th day of the month following the month to which payment relates.
- (b) Claims for travelling, subsistence and carers' allowances should be made on the appropriate claim form, supplemented by receipts where possible, and submitted to the Monitoring Officer no later than the end of the month. Payments will be made via the Council's payroll system, on approximately the 15th day of the month following the month to which the expenses relate.
- (c) At the beginning of each municipal year, the Monitoring Officer will advise all Members and co-opted members of the precise dates for the payment of Members' Allowances in each month.

9. Annual Uprating of Allowances

The Monitoring Officer shall, in consultation with the Leader and Deputy Leader of the Council and the Executive Director of Resources, apply increases to all those allowances set out in the schedule to this Scheme and the carers' allowances set out in paragraph 7 of this Scheme in 2024/25 and 2025/26 capped at the level of the annual local government pay settlement when known, subject to any advice to the contrary being received from the Independent Remuneration Panel.

10. Record Keeping and Publication

- (a) The Council is required to keep a record of the payments made

by it in accordance with this Scheme and of any payments made by it by virtue of section 174 to 176 of the Local Government Act 1972 (travel and subsistence), specifying the name of the recipient and the nature and amount of the payment;

- (b) The record is required to be available for inspection at all reasonable times free of charge by any local government elector for the Borough who may make a copy of any part of it;
- (c) The Council is also required to arrange publication (in a local newspaper) of the total sums paid in each year to each Member in respect of basic and Special Responsibility Allowances.

11. Withdrawal of Allowances

The Standards Committee may withdraw allowances in whole or in part in the event of a Member or co-opted member being suspended or partially suspended.

12. Sickness and Maternity and Paternity Leave

Special Responsibility Allowances payable under paragraph 3 of this Scheme will remain payable in cases of sickness or maternity and paternity leave on the same terms and to the same extent (so far as possible) as if the Member were a Council employee entitled to sickness, maternity or paternity benefits.

Maternity Leave - 52 weeks' leave, made up of 39 weeks' ordinary maternity leave (full SRA allowance) and up to 13 weeks' additional maternity leave (SRA unpaid). Shared Parental Leave will be available for parents to choose how to share the care of their child during the first year of birth or adoption.

Paternity Leave – 2 weeks paid leave around the time of the birth/adoption

No Councillor will be removed from their special responsibility role whilst on ordinary maternity leave unless the role ceases to exist.

Section 3: Statutory Officer Protocol

A: Head of Paid Service

Section 4 of the Local Government and Housing Act 1989 requires that every Authority designates one of its Officers as the Head of their Paid Service.

Functions of the Head of Paid Service

- (a) Discharge of Functions by the Council: The Head of the Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and on the organisation of Officers.
- (b) Corporate Management: The Head of Paid Service will be responsible for the corporate management of the Council and for ensuring the co-ordination of services and the provision of appropriate professional advice.
- (c) Structure: The Head of the Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers.
- (d) Appointment of Staff: The appointment of Officers below Deputy Chief Officer level is the responsibility of the Head of Paid Service or their nominee, normally an appropriate Director or other senior officer.
- (e) Restrictions on Functions: The Head of the Paid Service cannot be the Monitoring Officer, but may hold the post of Section 151 Officer if a qualified accountant.

B: The Monitoring Officer

The responsibilities of the Monitoring Officer are set out in Section 5 of the Local Government and Housing Act 1989, the Localism Act 2011 and Regulations made thereunder.

Functions of the Monitoring Officer

- (a) Ensuring lawfulness of decision-making: Report on contraventions or likely contraventions of any enactment or rule of law after consulting with Head of the Paid Service and Executive Director of Resources.
- (b) Report on any maladministration or injustice where the Ombudsman has carried out an investigation and consider and advice on compensation for maladministration.
- (c) Discharge delegated responsibilities relating to the receipt and investigation of Member conduct complaints.
- (d) Establish and maintain Registers of Members' Interests and Gifts and Hospitality.
- (e) Advice to Members on interpretation of Code of Conduct.
- (f) Key role in promoting and maintaining high standards of conduct through support to the Standards Committee.

- (g) Advice on vires issues, maladministration, impropriety, probity and policy framework issues to all Members.
- (h) Contributing to corporate management: the Monitoring Officer will contribute to the corporate management of the Council, in particular through the provision of advice on legal, constitutional, procedural and probity issues.

Restrictions on Post

The Monitoring Officer cannot be the section 151 Officer or the Head of the Paid Service.

C: The Section 151 Officer

The responsibilities of the Executive Director of Resources, as the Section 151 Officer, are set out in Section 151 of the Local Government Act 1972, Section 114 of the Local Government Finance Act 1988, the Local Government Act 2000, the Accounts & Audit Regulations 1996 and Regulations made under the above legislation.

The Functions of the Section 151 Officer

- (a) Administration of Financial Affairs: The Executive Director of Resources, as Section 151 Officer, will have responsibility for the proper administration of the financial affairs of the Council.
- (b) Contributing to Corporate Management: The Executive Director of Resources, as Section 151 Officer, will contribute to the Corporate Management of the Council, in particular through the provision of professional financial advice.
- (c) Providing Advice: The Executive Director of Resources, as Section 151 Officer, provides advice on financial matters within the budget framework, maladministration, and probity.
- (d) Ensuring Lawfulness and Financial Prudence of Decision-making: After consulting with the Head of the Paid Service and the Monitoring Officer, the Section 151 Officer will report to the full Council, or to the Executive (in relation to an executive function) and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause loss or deficiency, or if the Council is about to enter an item of account unlawfully.
- (e) Leading an effective Finance Service.

Restrictions on post

The Section 151 Officer cannot be the Monitoring Officer but may be the Head of Paid Service.

The Monitoring Officer and the Section 151 Officer will contribute to the corporate management of the Council, in particular through the provision of advice on legal, constitutional, procedural, and probity, financial and budget issues.

The Monitoring Officer and Section 151 Officer have access to all meetings of the Council, the Cabinet, Committees, Working Parties etc. The Monitoring Officer and Section 151 Officer and their staff monitor all reports to Members and provide advice and guidance on reports to relevant officers. Further, all reports include separate

sections containing legal and financial implications including the specific powers under which decisions can be made and the financial effects of decisions and budgets.

The Council has a statutory duty to provide the Monitoring Officer and Section 151 Officer with such Officers, accommodation and resources as are in their opinions sufficient to allow their duties to be performed.

Appendix: MONITORING OFFICER PROTOCOL

1. Statutory Responsibilities

- 1.1. The Monitoring Officer is a statutory appointment pursuant to Section 5 of the Local Government and Housing Act 1989. This Protocol provides guidance on how the duties of the Monitoring Officer will be carried out at London Borough of Redbridge.
- 1.2. The role of the Monitoring Officer is assigned to the Monitoring Officer under the provisions of the Constitution, Article 9.4. The Monitoring Officer is required to appoint a Deputy Monitoring Officer to deputise in their absence. As such the Chief Legal Officer is appointed as the deputy.
- 1.3. A summary of the Monitoring Officer's responsibilities are set out more fully in section 6.0 of this Protocol. These duties will be carried out in accordance with the Council's Constitution, legislative requirements and relevant Government guidance. The Monitoring Officer's ability to carry out these duties and responsibilities effectively will depend upon the proactive assistance and co-operation of Members and Officers:
 - (i) complying with the law and relevant Codes of Conduct;
 - (ii) complying with any general guidance, codes or protocols issued by the Standards Committee and the Monitoring Officer;
 - (iii) making lawful and proportionate decisions;
 - (iv) not taking action that would bring the Council, their offices or professions into disrepute.
- 1.4. All officers are responsible for acting within the confines of the law and it is incumbent on them to have a full understanding of the law and legal provisions relevant to their respective areas of work.

2. Working Arrangements

- 2.1. The Monitoring Officer will promote effective working relations with Members and Officers to advance good governance, the highest standards of ethical behaviour and the effective discharge of the Monitoring Officer's statutory duties. A speedy flow of relevant information and access to debate, particularly at the early stages of any decision-making by the Council, is central to fulfilling those responsibilities. Members and Officers are required to work with the Monitoring Officer and (and their staff) to this end.
- 2.2. The following arrangements and understandings between the Monitoring Officer,

Members, the Head of Paid Service, the S.151 Officer and Officers are designed to ensure the effective discharge of the Council's business and functions.

3. Resources

3.1. The Monitoring Officer will:

- (i) report to the Council, as necessary on the staff, accommodation and resources
- (ii) they require to discharge their statutory functions;
- (iii) have sufficient resources to enable them to address any matters concerning their functions as Monitoring Officer;
- (iv) have control of a budget sufficient to enable them to seek Counsel's opinion on any matter concerning their functions if the need arises. In the absence of such a ringfenced budget, and whilst the Monitoring Officer will seek to minimise the use of Counsel opinion so far as possible, any expenditure will be met by the relevant Directorate;
- (v) appoint a deputy and keep them briefed on any relevant issues that they may be required to deal with in the absence of the Monitoring Officer.

4. Access to Information

4.1. The Monitoring Officer will:

- (i) be informed by Members and Officers of any issue(s) that may become of concern to the Authority, including, issues relating to legal powers, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;
- (ii) have advance notice (including receiving agendas, minutes, reports and related papers) of all relevant meetings of the Authority (including meetings at which Officer delegated decisions are taken) at which a binding decision may be made (including a failure to take a decision where one should have been taken);
- (iii) have the right to attend (including the right to be heard at) any meeting of the Authority (including meetings at which Officer delegated decisions are taken) before any binding decision is taken (including a failure to take a decision where one should have been taken);
- (iv) have access to the Executive Leadership Team and its Boards and receive advance notice of meetings, agenda and reports to those meetings, including the right to attend;
- (v) in carrying out investigation(s) and/or making enquiries following matters reported to them, have unqualified access to any information held by the

Council and to any Officer who can assist in the discharge of their functions and in addressing any matters raised in order for them to reach conclusions.

- (vi) expect officers to work with them to address any concerns raised with them by Officers, Members and/or the public and for Officers/Members to provide all information sought by the Monitoring Officer to attempt to resolve matters and reach conclusions.

5. Relationships

5.1. The Monitoring Officer will:

- (i) ensure the other Statutory Officers (Head of Paid Service and the Section 151 Officer) are kept up to date with relevant information regarding any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are likely to arise or have arisen;
- (ii) meet as frequently as necessary with the Head of Paid Service and the Section 151 Officer to consider and recommend action in connection with Corporate Governance issues and any legal, ethical standards, probity, propriety, procedural or other constitutional issues that are of concern, that are likely to arise or have arisen;
- (iii) develop a close working relationship of respect and trust with the Leader, Cabinet Members, Leader of the Opposition Group(s), Chief Whips, the Chairs of all Committees with a view to ensuring the effective and efficient conduct of Council business;
- (iv) develop an effective working relationship with Internal Audit, External Auditors, the Local Government and Social Care Ombudsman together with all other regulatory bodies (including having the authority, on behalf of the Council, to complain to the same, refer any breaches or give and receive any relevant information, whether confidential or otherwise, through appropriate protocols, if necessary);
- (v) in consultation, as necessary, with the Leader, Cabinet and Standards Committee, defer the making of a formal report under Section 5 of the Local Government and Housing Act 1989 where another investigative body is involved.

6. Standards Matters

6.1. The Monitoring Officer will:

- (i) receive all written complaints against Councillors in compliance with the requirements of the Council's published Members' Complaints' procedure;
- (ii) give informal advice and undertake relevant enquiries into allegations of

- misconduct and, if appropriate, make a written report to the Standards' Committee if, in the opinion of the Monitoring Officer, there is a serious
- (iv) breach of the Members' Code of Conduct;
 - (v) be responsible, on behalf of the Standards' Committee, for preparing any training programme for Members on ethical standards and Code of Conduct;
 - (vi) instruct investigations, where agreed with the Independent Person in line with the procedure, into matters referred to them under the Council's Members' Code of Conduct and arrange the conduct of hearings into allegations of breaches of the Code as and when the need arises.

7. The Constitution

- 7.1. The Monitoring Officer will keep under review and monitor the Constitution in accordance with Article 12 of the Constitution. Executive Directors and Directors are expected to regularly review the workings of the Constitution as relevant to their respective areas and contact the Monitoring Officer with any recommended changes that are necessary. The Monitoring Officer will undertake to report any proposed changes as necessary to the General Purposes Committee.

8. Member and Officer Responsibilities

- 8.1. To ensure the effective and efficient discharge of the arrangements set out in paragraph 2 above. Members and Officers will report:
- (i) any breaches of statutory duty; and/or
 - (ii) breaches of Council policies; and/or
 - (iii) breaches of procedures; and/or
 - (iv) other constitutional concerns

to the Monitoring Officer, as soon as practicable, who will investigate and/or make enquiries regarding the matter in order to reach a resolve whilst keeping the reporting Members/Officers informed as appropriate.

9. Advice

- 9.1. The Monitoring Officer is available for Members and Officers to consult on any issues relating to the Council's legal powers, possible maladministration, procedural irregularity, impropriety and probity issues, or general advice on the constitutional arrangements (eg interpretation of the Constitution, Policy Framework, Terms of Reference, Scheme of Delegations, etc).

10. Monitoring the Protocol

- 10.1. The Governance and Assurance Committee will consider an Annual Report from the Monitoring Officer, part of which will identify whether the arrangements set out in the Protocol have been complied with and will include any proposals for amendments in the light of any issues that have arisen during the year.

11. Summary of Functions (see table below)

| | Description | Source |
|----|--|--|
| 1 | Report on contraventions or likely contraventions of any enactment or rule of law. | Sections 5 and 5A, Local Government and Housing Act 1989 |
| 2 | Report on any maladministration or injustice where the Ombudsman has carried out an investigation. | Sections 5 and 5A, Local Government and Housing Act 1989 |
| 3 | Appointment of a Deputy Monitoring Officer | Sections 5 and 5A, Local Government and Housing Act 1989 |
| 4 | Report on the sufficiency of resources | Sections 5 and 5A, Local Government and Housing Act 1989 |
| 5 | Establish and maintain the Register of Members' interests, gifts and hospitality. | Section 81, Local Government Act 2000 and Members' Code of Conduct |
| 6 | Receive copies of certificates under the Local Authorities (Contracts) Regulations 1997. | Local Authorities (Contracts) Regulations 1997 |
| 7 | Maintain, monitor and review the Constitution. | Constitution – Articles 12 |
| 8 | Support the Standards Committee and promote and maintain high standards of conduct. | Part III, Local Government Act 2000 |
| 9 | Receive reports from Ethical Standards Officers and case tribunals. | Part III, Local Government Act 2000 |
| 10 | Conduct investigations into misconduct. | Local Government Act 2000, Section 66 |
| 11 | Consult with the Head of Paid Service and the S.151 Officer on issues of lawfulness and decision-making. | Constitution – Articles 12.03 and 13 |
| 12 | Proper Officer for Access to Information. | Constitution – Article 12.03 |
| 13 | Advise whether executive decisions are within the budget and policy framework. | Constitution – Articles 12.03 and 13 |
| 14 | Advise on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity, budget and policy framework issues to all Members. | Constitution – Article 12.03 |

Section 4: Member/Officer Protocol

1. Introduction

- 1.1. The relationship between Members and Officers is vital to the successful working of the Council. At Redbridge, that relationship has traditionally been a good one, based on mutual respect and trust. Members and Officers communicate with each other openly and honestly and recognise the appropriate boundaries between informal and formal behaviour.
- 1.2. This Protocol is not intended to change that relationship, rather to complement it. The Protocol gives clear guidance about the respective roles of Members and Officers and what each group has the right to expect from the other. It is intended to cover, where appropriate, not only elected Members, but also co-opted Members and Independent People. It also outlines what to do on the rare occasions that things go wrong.
- 1.3. The Protocol must be read and operated in the context of any relevant legislation, the Council's Constitution, including Procedure Rules, and national and local Codes of Conduct.

2. Roles of Members and Officers

- 2.1. Elected Members are responsible for:
 - i. The initiation and monitoring of policy
 - ii. Strategic Decision-making within policy
 - iii. Democratic accountability to the electorate for service delivery
 - iv. Scrutiny of the Council's services and the effectiveness of Council policy
 - v. Civic and community Leadership
 - vi. Representing their constituents
 - vii. The promotion of partnership working
 - viii. The presentation of Council policy
 - ix. Deciding the Council's Budget
- 2.2. Officers are responsible for:
 - i. Providing professional advice to assist Members in formulating policy and in decision-making
 - ii. Implementing Council policy and decisions taken by Members
 - iii. Day to day running of services and administration including the management of staff
 - iv. Making managerial and operational decisions in accordance with the Council's schemes of delegation
 - v. The provision of information regarding Council services
 - vi. Working for, and serving, the Council as a whole

3. Expectations

- 3.1. Members can expect from Officers:
 - i. Political neutrality and even-handed support
 - ii. An awareness of respective roles, workloads and pressures
 - iii. A constructive working relationship in all Member/Officer contact
 - iv. Response to enquiries and complaints within agreed timescales
 - v. Professional advice
 - vi. Regular, relevant and up-to-date information (with particular regard to individual responsibilities and positions)
 - vii. Awareness of and sensitivity to the political environment
 - viii. Respect and courtesy

- ix. That appropriate training and development opportunities will be provided to Members
 - x. Integrity and confidentiality
 - xi. Not to be subjected to bullying or to be put under undue pressure
 - xii. That Officers shall not use their relationship with Members to advance their personal interests or to influence decisions improperly
 - xiii. That Officers will at all times comply with the relevant Code of Conduct
- 3.2. Officers can expect from Members:
- i. An understanding of and respect for the fact that officers must be politically neutral
 - ii. Political Leadership
 - iii. A constructive working relationship in all Member/Officer contact
 - iv. The freedom to manage operational service delivery without direct Member involvement
 - v. Consideration of advice given
 - vi. An awareness of respective roles, workloads and pressures
 - vii. Respect and courtesy
 - viii. Integrity and confidentiality
 - ix. Fair comment and discussion of officer reports, advice and recommendations, but the avoidance of personal criticism.
 - x. Duly diligent efforts by the Chair of a meeting to curtail any derogatory personal comments by members of the public.
 - xi. Not to be subjected to bullying or to be put under undue pressure
 - xii. That Members shall not use their position or relationship with employees to advance their personal interests or those of others
 - xiii. That Members will at all times comply with the relevant Code of Conduct

4. Communication with the Media

- 4.1. Any Redbridge Council communication with the media must be directed via the Council's Communications Team. Members of the Team will provide advice on publicity opportunities and media protocols. The Team will provide the media with factual information, quotes will be provided after consultation with the relevant Cabinet Member or Committee Chair.
- 4.2. Members may communicate with the media directly over matters of personal interest or political comment. Party groups will have their own protocols to cover this.
- 4.3. Officers from the Communications Team will liaise with the appropriate Member(s) and officers before and after Council Meetings, events and in response to media enquiries.

5. Briefings and attendance at meetings including political group meetings

- 5.1. Staff in Constitutional Services will automatically arrange officer briefings for the Cabinet and for Chairs of meetings. If any other group spokesperson requires a briefing they should communicate this to the Monitoring Officer.
- 5.2. Officer attendance (including staff from the Communications Team) at those briefings and at the meeting itself will be agreed between the Leader/relevant Chair/Spokesperson (as appropriate) and the Lead Officer for the meeting. The principle should be, where possible,

- to optimise officer attendance at meetings and not to have officers present unnecessarily.
- 5.3. Scrutiny Committees have the power to require Senior Officers to appear before them to answer questions. Senior Officers are defined as “the Chief Executive, Deputy Chief Executive, Executive Director and, Director. In the case of attendance at Scrutiny Committees, a Senior Officer may nominate a Head of Service of specialist technical officer , at the discretion of the Chief Executive.”
 - 5.4. Officers do not normally attend political group meetings but may be invited to give advice. Any such invitation should be routed through the Chief Executive. Officers should not attend private meetings of the Cabinet which are held prior to 28 days of a Cabinet Meeting if the making of key decisions at that forthcoming meeting is being discussed. Officers can, however, attend such meetings for the purposes of briefing Members.

6. The Decision-making Process

- 6.1. The Council’s Constitution clearly indicates who is responsible for making decisions. It is important that neither Members nor officers make decisions outside this constitutional framework. Generally speaking, routine decisions have been delegated to officers, more strategic decisions are reserved for the Executive and a small number of decisions are made by Council. All decisions must be made within the Budget and Policy Framework agreed by the Council.
- 6.2. Where a decision is made by a Cabinet Portfolio holder under delegated powers, it has to be based on Officer advice given in a written format and which includes advice from the Executive Director of Resources and the Monitoring Officer.
- 6.3. Equally, if Officers make certain categories of delegated decisions (with or without consultation with the relevant portfolio holder), such decisions will be clearly recorded and made publicly available.
- 6.4. At present, individual Cabinet Members have very few delegated decision-making powers, however, each Portfolio Holder is responsible for making their recommendations to Cabinet on specific issues within the remit of their portfolio. Such recommendations are based on the receipt of Officer reports containing relevant facts, all the information necessary to enable Members to come to an informed decision, correct and complete professional advice including the advice of the Executive Director of Resources and the Monitoring Officer and any alternative options that may be available. Each such report will be discussed between the relevant Portfolio Holder and Senior Officer.

7. Support to Members

- 7.1. Across the Council, Officers will make every effort to respond to requests from Members for information and support. Many senior staff work outside of normal office hours and when doing so are generally available for contact, however, once an officer has left Council premises, Members are expected to reserve contact to emergencies unless otherwise agreed.
- 7.2. Members are entitled to see Council documents relating to business transacted at Council, Cabinet and Committee Meetings or relating to decisions made by individual Cabinet
- 7.3. Members. This entitlement may not apply in all cases as stated in the Constitution.

8. When things go wrong

Procedure for Officers

- 8.1. From time to time the relationship between individual Members and Officers may break

down or become strained. It is preferable for such issues to be resolved informally, by conciliation through an appropriate Senior Officer or Member. However, should this not be possible, an individual may refer the matter to the Chief Executive. The Chief Executive, who having advised the Leader and, when appropriate, any other Group Leader, shall decide the course of action to be taken.

- 8.2. Notwithstanding the arrangements set out in the preceding paragraph, all officers have the right to pursue their concerns through any of the following Council procedures/policies:
- i. Grievance procedure
 - ii. Harassment and bullying procedure
 - iii. Racial harassment policy
 - iv. Whistle-blowing policy

Procedure for Members

- 8.3. In the event that a Member is dissatisfied with the conduct, behaviour or performance of an employee, the matter shall be raised with the appropriate Senior Officer.
- 8.4. It is for the Senior Officer to decide whether or not the matter falls to be dealt with in accordance with the Council's Disciplinary or Capability procedures. If the Member is not satisfied with this decision, the matter may be referred to the Chief Executive.
- 8.5. No action should be taken against an officer other than in accordance with the provisions of the appropriate procedure. In cases concerning Senior Officers, the provisions relating to disciplinary and capability matters are specified in National Agreement, which are contractually binding on the officers, and the Council.

Section 5: Code Of Corporate Governance

1. Introduction and background

The Chartered Institute of Public Finance and Accountancy (CIPFA) and Society of Local Authority Chief Executives (SOLACE) published a document of corporate governance in local government entitled "Delivering Good Governance In Local Government". Redbridge Council has drawn together a code of corporate governance which:

- brings together the various aspects of our arrangements for corporate governance, in a single document;
- demonstrates our ongoing commitment to uphold the highest standards of integrity, openness and accountability;
- underpins the credibility and confidence in our work as a service provider, community leader and employer;
- reinforces our role and aims of delivering best value services and being properly accountable to all relevant parties and subject to effective scrutiny and challenge.

We want people to have confidence in the way we work as we tackle our 6 aims for making Redbridge a better place to live. Our aims are to make Redbridge:

- a safer place to live
- a cleaner, greener place to live
- a better place to learn
- a better place for care
- a better place for business
- a better place to live together

These aims are set out in our Corporate Strategy. The Strategy sets out an integrated planning process that shows the thread which links the Community Strategy, the Council's Visions, aims and priorities right through to service planning and individual staff performance. The key to our success in achieving our aims lies in Members, staff and partners working together.

To do this, we must be open about the way we do our business and about the standards of conduct we expect from our Members and staff. We know that setting high standards of self governance provides a clear lead to our existing and potential partners, so this code of corporate governance provides the basis for effective community involvement.

2. What is corporate governance?

CIPFA and SOLACE say:

"Governance is about how local government bodies ensure that they are doing the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner"

It comprises the systems and processes and cultures and values, by which local government bodies are directed and controlled and through which they account to, engage with and, where appropriate, lead their communities".

3. The six core principles of corporate governance

CIPFA and SOLACE have identified six core principles in delivering good governance. We fully embrace and support these principles of good corporate governance and will make sure they underpin the delivery of services to the public.

1. *Focusing on the purpose of the authority and on outcomes for the community and creating and implementing a vision for the local area.* – Our corporate vision, aims and plan have been developed following close consultation with our partners and those we serve. We have clear strategies and systems for gauging Value for Money and our performance is closely monitored and reported through various means including our **Annual Best Value Performance Plan** and our published accounts.

2. *Members and officers working together to achieve a common purpose with clearly defined functions and roles.* – Redbridge's Constitution sets out the respective roles of the Council, Cabinet (the Executive) and Scrutiny and other Committee functions which provide the essential balance of authority, responsibility and accountability subjected to robust scrutiny and challenge. Our Procedure Rules and Financial Regulations set out how the Authority's business should be conducted and these are supported by working protocols between Members and officers. We have key officers namely:

Our Chief Executive – responsible for all aspects of operational management and a pivotal role / relationship with the Leader and all other Members of the Council.

The Executive Director of Resources – responsible for the proper financial administration of authority and for maintaining an effective system of internal financial control and who operates in accordance with the CIPFA Statement on the Role of the Chief Financial Officer in Local Government.

The Director – Assurance (Monitoring Officer) - responsible for ensuring that the Authority operates in accordance with all applicable statutes and regulations.

We recognise the benefits and value of working with our partners and through our partnership arrangements, we will continue to share our vision, practices and values with our partners in developing and delivering our services to the community.

Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and

behaviour. - Effective Leadership is an essential part of corporate governance, so we will achieve these principles by leading by example in our decision-making and other actions and conducting ourselves to high standards. All Members and staff are required to act in accordance with relevant codes of conduct and standards and there are formal processes for declaring relationships or interests so as not to unduly influence or prejudice. There are appropriate mechanisms in place for dealing with anyone who breaches our standards and expectations.

3. ***Taking informed and transparent decisions which are subject to effective scrutiny and managing risk.*** - We are open and consult stakeholders on all relevant issues. We provide access to full, accurate and clear information and make sure all stakeholders and potential stakeholders have the opportunity to be involved in our decision-making and actions. We have developed a Data Quality Strategy to help ensure that the information upon which decisions are made is robust. We seek to learn and improve through having an effective scrutiny function which last year was reviewed and strengthened. Furthermore, our Audit Committee, which is independent of the executive and scrutiny functions, continually reviews our governance and control frameworks. Our decisions and actions are transparent and documented. We are developing innovative new ways for our stakeholders to access our services and give us feedback. We know that there are times when things can, and do, go wrong. We have a strong risk management strategy and processes which aim to minimise these events and identify ways of putting things right as well as "learning lessons" for the future. We actively encourage people to tell us where things have gone wrong and we expect our Members, staff, partners and contractors to tell us if they suspect that any fraud or irregularity is occurring.
4. ***Developing the capacity and capability of members and officers to be effective.*** - We recognise the importance of having highly skilled and motivated Members and staff to drive through and deliver our demanding aims and to sustain public confidence in our services. We are committed to the development of Member and staff skills, knowledge and performance through programmes of induction, training and development programmes. We will also continue to share our practices with and involve our partners from all sections of the community to engage with

and participate in the work of the Authority, thereby broadening our overall knowledge and skills base and shared values.

- 5. *Engaging with local people and other stakeholders to ensure robust public accountability.*** - We are committed to engaging with all sectors of our community to ensure that we are directing our efforts to those areas of greatest concern and priority but being equally aware of the competing demands that need to be considered and addressed. Our approach to consulting with all stakeholders is set out in our document "Redbridge Consults". Our aim is to be accessible to all groups in our diverse communities. Our website is a prime example of the Council's strong commitment to innovation and accountability with stakeholders. This new communication channel is transforming the type of conversations the Council is able to have with its stakeholders, providing a means for residents to discuss local issues and give feedback in the forums and online polls. We also measure and report on our own performance through communications such as the Annual Report and via the Scrutiny process. We will continue to publish reports on how well we are achieving our objectives and remain open to scrutiny and encourage people to challenge performance and outcomes through public meetings, and other forums.

4. Making the Code work

We expect the principles set out in this Code to be upheld by our Members, staff and partners in the wider community. We will make sure this happens through a range of policies, systems and processes, including our:

- Corporate Planning and Performance Framework
- Constitution based on a system of Cabinet and Scrutiny
- Risk Management Strategy
- Anti-fraud and Corruption Policy including whistleblowing arrangements
- Project and Performance Management
- Human Resources policies & Codes of Conduct for Members and officers
- The Redbridge Corporate Strategy

