

Public Document Pack

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Forest Heath

District Council

CONSTITUTION

District Offices
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Mildenhall
Suffolk
IP28 7EY

Tel: 01638 719000
www.westsuffolk.gov.uk

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Forest Heath District Council

Summary and Explanation

Introduction

Forest Heath District Council is the democratically-elected body that exercises various statutory powers and duties in the district. It is divided into 14 areas known as wards and there are 27 councillors (also known as members) who are elected by the residents of those wards who are on the electoral register to represent them on the Council. Elections take place every four years.

Purpose of the Constitution

The Constitution is a document that sets out the rules and guidance for how the Council makes decisions and carries out its business. It is made up of:

- Articles – which explain the different parts of the decision-making structure and how the Council will operate;
- Responsibility for Functions – which shows which councillors and officers are responsible for which decisions;
- Rules of Procedure – which set out the way meetings will be run and the procedure for various Council functions; and
- Codes and Protocols – including codes of conduct for councillors and council staff.

The Council has to exercise its duties and powers in accordance with the law and this Constitution. Set out below is a brief summary of how the Council works.

Cabinet

The Council's decision-making structure is based on the Leader and Cabinet model. The Cabinet (also known as the Executive) will make most of the decisions about how the Council carries out its business. The Leader is elected every four years by a vote of all councillors and he or she appoints up to nine other councillors, one of whom will also be the Deputy Leader, to sit on the Cabinet and be responsible for particular areas (known as portfolios) of the Council's work.

The Council publishes a Decisions Plan which shows what decisions the Cabinet is going to take that will affect local communities or involve expenditure or savings over a certain level. The Plan also shows what decisions are going to be taken in private and why. There is more detail of how the Cabinet works in Part 2: Article 6 and Part 4: Cabinet Procedure Rules.

Full Council

Some decisions, such as the Council's overall budget and its main policies, have to be taken by all the councillors meeting together as the full Council. These meetings take place at least five times a year. More information about the full Council's powers and procedures can be found in Part 2: Article 4 and Part 4: Council Procedure Rules.

Regulatory committees

The law gives the Council power to grant consents, licences and so on for such matters as planning and licensing. These powers cannot be decided by the Cabinet and are exercised instead by committees of the Council. What these committees are and what they do is set out in Part 2: Article 8 and Part 3: Responsibility for Functions.

Scrutiny

The Council has two committees whose job is to oversee the work of the authority. Overview and Scrutiny Committee can 'call in' Cabinet decisions for examination and it will also help the Council develop its policies. It can set up smaller groups to work on reviews and projects.

The Performance and Audit Scrutiny Committee has responsibility for monitoring the Council's performance. It also audits and makes recommendations for how the Council should spend its budget.

Further details of the work of these committees can be found in Part 2: Article 7 and Part 4: Overview and Scrutiny Committees Procedure Rules.

Standards

There is a Joint Standards Committee comprising members of Forest Heath and St Edmundsbury councils. It is responsible for upholding high ethical standards in West Suffolk, including monitoring compliance with the Code of Conduct by all district, borough, town and parish councillors in the area. Further details can be found in Part 2: Article 9 and Part 3: Responsibility for Functions.

Staff

The Council has people working for it, sometimes referred to as 'officers'. They perform a number of different roles, ranging from delivering the Council's services direct to the public, to giving professional advice, implementing decisions and managing the working of the Council. Some officers have specific duties to ensure that the Council acts within the law. Officers operate in a politically neutral way, which councillors must respect. A protocol governs the relationship between councillors and officers. Officers do not vote on decisions made by the Council, Cabinet or its committees.

Joint working

Forest Heath and St Edmundsbury work in partnership to provide a more efficient service for the people of West Suffolk. The Chief Executive, senior managers and most staff work across both authorities. Councillors also work together, for example by holding joint meetings of the Cabinet and scrutiny committees, where they are considering matters relevant to both council areas. The Constitution sets out procedures for these joint meetings.

The public's rights

Residents of the Council's area have a number of rights in their dealings with the Council. Some are set out in law, others depend on the Council's own processes. Article 3 sets them out in more detail, but in brief they include:

- the right to elect the councillors who will represent them on the Council, and to contact any member of the Council about matters that concern them;
- access to Council documents such as this Constitution, policies, the Decisions Plan, reports, minutes and records of decisions made (subject to limited exceptions for things that the law permits the Council to treat as confidential);
- the right to attend open meetings of the Council, Cabinet and committees and to speak at those where the Council's procedures allow public participation; and
- making their views known to the Council, whether as a comment, complaint or compliment or in response to a consultation.

The Council welcomes participation by the public in its work and aims to make its processes as transparent as possible. For further information on your rights, please contact the Council's Monitoring Officer on e-mail: democratic.services@westsuffolk.gov.uk or telephone: 01284 757162.

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H: Home
B: Business
M: Mobile

MEMBERSHIP BY WARD

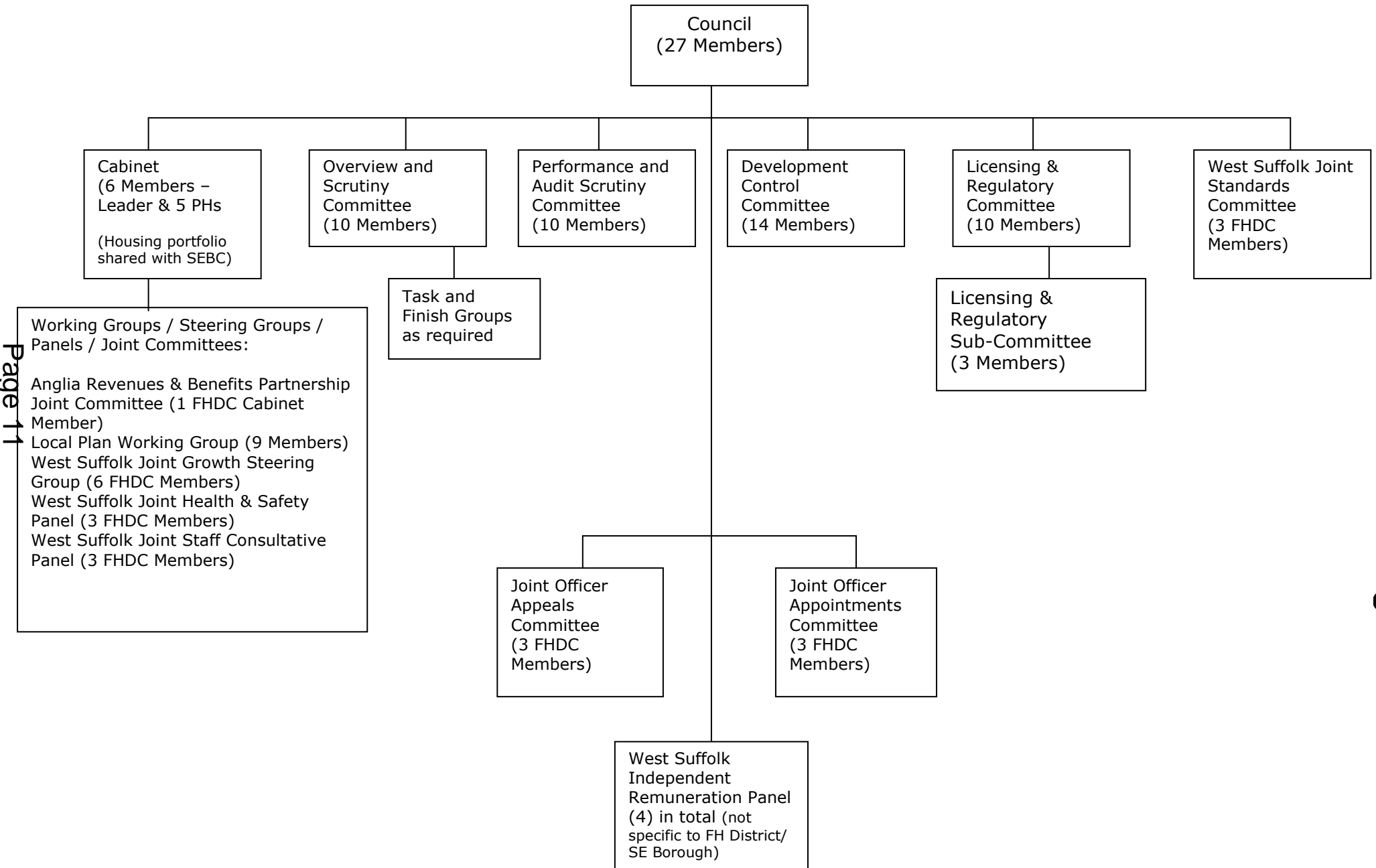
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All Saints
Brandon East
Brandon West
Eriswell & The Rows
Exning
Great Heath
Iceni
Lakenheath
Manor
Market
Red Lodge
Severals
South
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Forest Heath District Council Decision Making Process



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PART 2

ARTICLES

FOREST HEATH DISTRICT COUNCIL

CONSTITUTION

PART TWO - ARTICLES

Article 1 - The Constitution

Article 2 - Members of the Council

Article 3 - The Public and the Council

Article 4 - The Council

Article 5 - Chairing the Council

Article 6 - The Cabinet

Article 7 - Overview and Scrutiny Committee

Article 8 - Regulatory Committees

Article 9 - The Joint Standards Committee

Article 10 - Joint Arrangements and Working Groups

Article 11 - Officers

Article 12 - Decision-Making

Article 13 - Finance, Contracts and Legal Matters

Article 14 - Review and Revision of the Constitution

Article 15 - Suspension, Interpretation, Maintenance and Publication of the Constitution

Forest Heath District Council

Article 1 – The Constitution

1.1 Powers of the Council

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

1.2 The Constitution

This Constitution, and all its appendices, is the Constitution of the Forest Heath District Council.

1.3 Purpose of the Constitution

The purpose of the Constitution is to:

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

1.4 Interpretation and review of the Constitution

1.4.1 The Rules of Procedure which form Part 4 of the Constitution provide mechanisms for interpreting and operating the Constitution, including in cases of dispute.

1.4.2 In the Constitution, the term 'Cabinet' should be taken to mean 'Executive' (and the other way round).

1.4.3 Where the Constitution permits the Council to choose between different courses of action, the Council will choose the option which it thinks will be most likely to achieve the purposes set out in 1.3 above.

1.4.4 The Council will monitor and evaluate the operation of the Constitution as set out in Article 14.

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Forest Heath District Council

Article 2 – Members of the Council

2.1 Composition and eligibility

The Council comprises 27 councillors who are elected by the voters in the district. There are 14 wards in the district and one or more councillors will be elected to each ward in line with a scheme which was drawn up by the Electoral Commission and approved by the Secretary of State.

To be eligible to stand for election as a councillor, a person must be registered to vote in the district, or live or work there.

2.2 Elections and term of office

The regular election of councillors is held on the first Thursday in May, every four years. The term of office of councillors will start on the fourth day after being elected and finish on the fourth day after the date of the next regular election, with the exception of the Leader who will hold office until the Annual Meeting which follows the election. (Provisions for the resignation or removal of the Leader at other times are set out in Article 6).

2.3 Roles and functions of councillors

These are set out in the ward councillor job description which forms the Appendix to this Article 2 of the Constitution.

2.4 Rights and duties

- 2.4.1 Councillors have rights of access to Council documents, information, land and buildings as are necessary for them to be able to carry out their role properly and in accordance with the law.
- 2.4.2 Councillors will not make any information public if it 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.
- 2.4.3 For these purposes, 'confidential' and 'exempt' information are defined in the Access to Information Rules contained in Part 4 of the Constitution.

2.5 Conduct

Councillors will at all times observe the members' code of conduct and the protocol on member/officer relations set out in Part 7 of the Constitution.

2.6 Allowances

Councillors will be entitled to receive allowances in accordance with the members' allowances scheme set out in Part 6 of the Constitution.

Appendix

Ward Councillor Job Description

1. Overview

As a councillor, you will be expected to balance the needs and interests of your local area, your residents and voters, community groups, local businesses, your political party (if applicable) and the council.

First and foremost, you will represent your ward, engaging with residents and groups on a wide range of different issues and taking on an important community leadership role. At the council, you will contribute to the development of policies and strategies, including budget-setting. You may also be involved in taking decisions on planning or licensing applications.

2. Representing the local area

- 2.1 Represent effectively the interests of the Ward for which you were elected and deal with constituents' enquiries and representations, fairly and without prejudice.
- 2.2 Champion the causes which best relate to the interests and sustainability of the community and campaign for improvements in the quality of life of the community in terms of diversity, safety, well-being, economy and environment.
- 2.3 Use local knowledge in the development of council policies, including listening to the needs of local people and taking their views into account when considering policy proposals and decision-making.
- 2.4 Ensure that local people are informed about:
 - Services in their area
 - Decisions that affect them
 - The reasons why decisions were taken by the council
 - The rights of your constituents.
- 2.5 Represent the authority to the community and the community to the authority, through the various forums available.
- 2.6 Respond promptly and fully to any consultation regarding matters within your ward.
- 2.7 Know your Ward, and be aware of its particular qualities, advantages and problems.

- 2.8 Know and work with representatives of local organisations, interest groups and businesses.
- 2.9 Encourage people in your ward to participate in the democratic decision-making process by engaging with consultations etc.

3. Participating in the work of the council

- 3.1 Participate effectively as a member of full Council and any committee, group or other forum to which you are appointed.
- 3.2 Contribute actively to the formation and scrutiny of the council's priorities, budget, strategies and service delivery.
- 3.3 Develop and maintain a working knowledge of the council's services, management arrangements, powers/duties and constraints and develop good working relationships with the council's officers.
- 3.4 Fulfil the statutory and locally determined requirements of an elected member, including compliance with all relevant codes of conduct and protocols.
- 3.5 Represent the council on outside bodies to which it appoints you.
- 3.6 As you are able, assist the Mayor or Chairman in promoting the civic life of the council.
- 3.7 Participate in the scrutiny of the services and policies of the council and their effectiveness in meeting the strategic objectives of the council and the needs of its residents
- 3.8 Maintain and develop your skills by participating in the Member Development Programme and attending the training offered. Ensure you have relevant IT skills to enable you to make use of the council's systems.

Forest Heath District Council

Article 3 – The Public and the Council

3.1 The public's rights

The public has the following rights. Their rights to information and to attend meetings are explained in more detail in the Access to Information Procedure Rules in Part 4 of the constitution.

- a) **Referendums** – residents who are on the electoral register for the area may sign a petition to request a referendum for an elected mayor form of constitution. They may then vote in that referendum, which will take place if at least 5% of the electorate sign that petition.
- b) **Information** – the public has the right to:
 - (i) obtain a copy of the council's constitution;
 - (ii) attend meetings of the Council, Cabinet and committees except where confidential or exempt information is likely to be discussed and the meeting is, for that reason, held in private;
 - (iii) see the Decisions Plan to find out what key decisions will be taken by the Cabinet, its committees, or officers, and when;
 - (iv) find out from the Decisions Plan when the Cabinet, its committees or officers will consider any matters in private;
 - (v) see reports and background papers, and any records of decisions made by the full Council, Cabinet or officers subject to the usual rules regarding confidential or exempt information;
 - (vi) inspect the council's accounts and make their views on them known to the external auditor.
- c) **Participation** – the public has the right to address the Development Control and Licensing and Regulatory Committees on specific applications and contribute, by invitation, to investigations and public inquiries undertaken by the scrutiny committees. People who live or work in the council's area have the right to participate in public question time at meetings in accordance with the protocol set out in the Council and Committee Procedure Rules in Part 4 of the constitution.
- d) **Complaints** – the public has the right to complain to:
 - (i) the council itself under its complaints scheme
[\[Comments, Compliments and Complaints\]](#)

- (ii) the Local Government Ombudsman, if the complaint has not been resolved by the council's own complaints scheme;
 - (iii) the Monitoring Officer about a breach of the Members' Code of Conduct set out in Part 7 of the constitution.
- e) **Whistleblowing** – the public has the right to bring to the council's attention any concerns about corruption or bad practice. Details are available in the Whistleblowing Policy [[Whistleblowing Policy](#)]

3.2 The public's responsibilities

The public must not be violent, abusive or threatening to councillors or to the council's employees and must not wilfully harm things owned by the council, councillors or council employees.

Forest Heath District Council

Article 4 – The Council

4.1 Meaning

The Council means every councillor of Forest Heath District Council meeting together. By law, there are some things that only the Council has the power to do and other matters are allocated to the Council by this constitution.

4.2 Functions of the Council

Only the Council meeting as a whole will exercise the following functions:

- a) Adopting and changing the constitution.
- b) Approving and adopting the policy framework (see below).
- c) Approving and adopting the budget (see below).
- d) Approving for the purposes of public consultation draft proposals associated with the preparation of or alterations to, or the replacement of, the local development framework.
- e) Subject to the urgency procedure set out in the Budget and Policy Framework Procedure Rules in Part 4 of the constitution making decisions about any matter in the discharge of a Cabinet function which is covered by the policy framework or budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to or not wholly in accordance with the budget.
- f) Electing the Leader, removing him/her by resolution and electing a replacement in accordance with Article 6.
- g) Approving proposals from committees of the Council for their terms of reference and any changes to them.
- h) Determining the political balance of the council and the allocation of seats in accordance with it or (by unanimous vote) in some other way as the Council sees fit.
- i) Adopting a Members' Allowance Scheme.
- j) Appointing councillors to outside bodies unless this is a function of the Cabinet or has been delegated by the Council.
- k) Approving the appointment or dismissal of the Head of Paid Service.
- l) Changing the name of the area.
- m) Any electoral matters requiring a decision by the Council.
- n) Conferring the title of Honorary Alderman or the Honorary Freedom of the District.
- o) Making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills.

- p) All local choice functions set out in Part 3 of this constitution which the Council decides should be taken by itself rather than the Cabinet.
- q) To authorise funding from the Council's Capital Investment Fund, over the value of £2m (in line with the Council's Growth Investment Strategy).
- r) All other matters which, by law, must be reserved to the Council.

4.3 Council Meetings

There are four types of Council meeting:

- a) the Annual Meeting;
- b) ordinary meetings;
- c) extraordinary meetings; and
- d) special meetings

and these will be conducted in accordance with the law and with the Council procedure rules set out in Part 4 of this constitution.

4.4 The policy framework

The policy framework means the following plans and strategies:

- a) those required by legislation to be adopted by the Council;
- b) policies and strategies which the Government recommends should be adopted by the Council; and
- c) policies and strategies to be adopted by the Council as a matter of local choice.

The above policies and strategies include:

- Corporate or Strategic Plan
- plans and strategies which together comprise the Local Plan
- Asset Management Plan
- Pay Policy Statement
- Corporate Enforcement Policy
- Licensing Act Statement of Policy
- Gambling Act Statement of Principle

Plus high-level strategies relating to:

- Housing
- Families and Communities
- Waste
- Economic development and growth
- Sustainable development
- Equality
- Customer Access

It may also be appropriate for some regional or sub-regional policies or strategies to be considered by full Council, to be decided on a case-by-case basis.

4.5 The budget

The Council will be responsible for the adoption of its budget. Once the budget is in place it will be the responsibility of the Cabinet to implement it.

The budget comprises:

- revenue budget
- capital programme
- medium term financial strategy (covering revenue and capital)
- prudential indicators including borrowing limits
- treasury management and investment strategy

The budget includes the allocation of financial resources to different services and projects, proposed contingency funds, the Council Tax base, setting the Council Tax and decisions relating to the control of the council's borrowing requirements, its investments and the control of its capital expenditure and the setting of virement limits.

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Forest Heath District Council

Article 5 – Chairing the Council

5.1 Role and function of the Chairman

The Chairman and Vice-Chairman will be elected annually by the Council.

Neither the Chairman nor the Vice-Chairman may be a member of the Cabinet.

The Chairman and in his/her absence the Vice-Chairman have the following roles.

5.2 Procedural role

The Chairman will:

- a) chair meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- b) uphold and promote the purposes of the constitution and interpret the rules of procedure at Council meetings;
- c) ensure that Council meetings are a forum for the debate of matters of concern to the community and one of the places at which councillors who are not on the Cabinet are able to hold the Cabinet to account;
- d) exercise a casting vote in the event of a tie at a Council meeting with complete freedom of conscience.

5.3 Civic and ceremonial role

The Chairman is the ceremonial head of the Council and will be its representative at civic and ceremonial events. He/she maintains an apolitical stance, especially when chairing full Council meetings. This part of the role includes:

- a) representing and promoting the whole district during his/her term of office;
- b) enhancing the image of the district;
- c) encouraging understanding of the Council's role, priorities and partnerships;
- d) promoting public involvement in the Council's activities.

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Forest Heath District Council

Article 6 – The Cabinet

6.1 Role

6.1.1 The Leader and Cabinet will carry out all of the Council's functions which are not the responsibility of any other part of the Council, whether by law or under this constitution.

6.2 Form and Composition

6.2.1 The Cabinet will comprise the Leader and no fewer than two and up to nine other councillors appointed to the Cabinet by the Leader, one of whom shall be designated Deputy Leader and all of whom are to be known as Portfolio Holders. Only councillors will be appointed to the Cabinet. There will be no co-optees, no deputies and no substitutes for Cabinet members. The Leader and Portfolio Holders may not be members of any scrutiny committee. The Chairman and Vice-Chairman of the Council may not be members of the Cabinet.

6.3 The Leader

6.3.1 The Leader will be a councillor elected to the position by the Council at its first annual meeting following the local government elections. The Leader will hold office until

- a) The next post-election annual meeting of the Council;
or
- b) They resign from the office of Leader; or
- c) They are removed from office by ordinary resolution on notice of the Council; or
- d) They are no longer a councillor.

6.3.2 When a vacancy arises in the office of the Leader, the Council shall fill the vacancy at the next ordinary meeting of the Council, or at a special or extraordinary meeting summoned for the purpose; or, if the vacancy occurs as a result of the removal of the Leader by resolution of the Council, at the meeting at which that resolution was passed or a subsequent meeting. The councillor appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.3.1 above.

6.3.3 The Leader shall appoint another member of the Cabinet as Deputy Leader to act when the Leader is unable to act or the office of Leader is vacant. The Leader may, if he or she thinks fit, remove the Deputy Leader from office. Where there is a vacancy in the office of Deputy Leader, the Leader

must appoint another person to be Deputy Leader. Unless he or she is removed by the Leader, resigns as Deputy Leader or ceases to be a member of the council, the Deputy Leader shall hold office until the end of the Leader's term of office.

6.4 Other Cabinet Members (the Portfolio Holders)

6.4.1 The Leader will usually announce the Portfolio Holders at the annual meeting of the council. Re-appointments, appointments and the removal of Portfolio Holders announced in this way will take immediate effect. If the announcement is not made at the annual meeting, the Leader will give written notice to the Monitoring Officer of the Portfolio Holders as soon as practicable after the annual meeting and the re-appointments, appointments and removals made in this way will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.2 The Leader may also appoint Portfolio Holders during the municipal year to fill any vacancy or increase the size of the Cabinet (up to the maximum number set out in 6.2.1 above) by giving written notice to the Monitoring Officer. These appointments shall take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.3 Portfolio Holders shall hold office until:-

- a) they resign from office; or
- b) they are no longer councillors; or
- c) they are removed by means of the Leader's notification at or as soon as practicable after the next annual meeting; or
- d) they are removed from office by the Leader giving written notice of the removal to the Monitoring Officer. The removal will take effect two working days after receipt of the notice by the Monitoring Officer.

6.4.4 If for any reason the Leader is unable to act or the office of Leader is vacant, and the Deputy Leader is unable to act or the office of Deputy Leader is vacant, the Cabinet must act in the Leader's place or must arrange for a Portfolio Holder to act in his/her place.

6.5 Functions of the Cabinet

6.5.1 The Cabinet has the following functions:-

- a) to make 'key decisions' as defined in Article 12 and published in the decisions plan;
- b) to formulate the budget and policy framework for submission to Council in accordance with the budget

- and policy framework procedure rules in Part 4 of the constitution;
- c) to implement the approved budget and policy framework;
 - d) to determine recommendations and other matters referred to it by committees, sub-committees or council;
 - e) to carry out all of the functions which by law the executive must carry out or has chosen to carry out and which have not been delegated elsewhere;
 - f) to ensure the publication of, and to consider, the plan of items likely to come before it for decision at least 28 days before the decision is due to be made.
 - g) To authorise funding from the Council's Capital Investment Fund, up to the value of £2m (in line with the Council's Growth Investment Strategy).

6.5.2 The Cabinet may carry out its functions:-

- a) itself;
- b) by delegating power to an individual member of the Cabinet, to be exercised in accordance with the rules in Appendix B to this Article 6;
- c) by delegating power to an officer, who shall exercise that power in accordance with the scheme of delegation to officers contained in Part 3 of the constitution;
- d) by delegating power to a joint committee, area committee or another local authority.

6.5.3 The list of portfolio responsibilities will be maintained by the Leader and will set out which individual members of the Cabinet, officers and joint arrangements are responsible for the exercise of particular Cabinet functions. The full list is in Part 3 of the constitution and a brief list of portfolio responsibilities forms Appendix A to this Article 6. The Leader is empowered to amend the portfolios during the administrative year.

6.6 Meetings of the Cabinet

6.6.1 The Cabinet will hold public meetings as frequently as is required for the effective discharge of its functions on dates and at times agreed by the Leader. Meetings will be conducted in accordance with the Cabinet Procedure rules set out in Part 4 of the Constitution. Meetings will usually take place through the agreed Joint Committee structure outlined in Part 3 of the Constitution.

6.6.2 To ensure it is briefed and/or consulted upon its functions, the Cabinet may hold other informal (not public) meetings as are necessary for it to carry out its work effectively.

However, to ensure transparency and facilitate good scrutiny, matters discussed at these meetings that are intended to be put to Cabinet or Council for decision will, unless a decision is required urgently, be included in the decisions plan which is referred to the appropriate committee (normally a scrutiny committee) before a recommendation is made to Cabinet/Council (see paragraph 7.2.5(a) of Article 7 Overview and Scrutiny).

Appendix A

List of Portfolio Responsibilities

The Leader

- Leadership and strategic direction of the Council
- External relations and communications
- Strategic economic development

Families and Communities

- Corporate communications
- Corporate strategy/planning and co-ordination
- Crime and community safety
- Customer services, access and engagement
- Equalities and diversity
- Families and communities
- Future of public services and service integration
- Health

Future Governance

- Civic Office
- Democratic Services, including:-
 - Cabinet management and support
 - Scrutiny management and support
- Elections
- Member development and training
- Implementing a single Council for West Suffolk

Housing

(This Portfolio is the responsibility of the whole Cabinet (with the Portfolio Holder for Housing at St Edmundsbury Borough Council being the shared lead Councillor))

- Choice based lettings
- Homelessness advice
- Public health
- Safeguarding
- Social care
- Strategic housing (including private sector housing and Disabled Facilities Grants (DFG) policy)

Leisure and Culture

- Heritage and culture
- Parks and open spaces (including trees)
- Sport

Operations

- Car parking
- CCTV
- Cemeteries
- Fleet management

- Grounds maintenance
- Land drainage
- Markets (delivery)
- Operations
- Property services and estate management
- Public conveniences
- Refuse/recycling
- Street scene
- Tourism (operations)

Planning and Growth

- Building control
- Conservation
- Development control
- Economic development
- Enforcement
- Environmental health
- Growth areas and regeneration
- Licensing
- Planning policy
- Rural development
- Tourism (strategic)
- Town centres

Resources and Performance

- Business development/commercial
- Financial services (including audit)
- Health and safety
- Human resources (including payroll)
- ICT
- Legal services
- Performance and risk management
- Procurement

Appendix B

Procedure for decision-making by individual Portfolio Holders

1. Individual Cabinet members are empowered (subject to the exceptions listed below) to make Cabinet decisions within the Policy and Budget Framework in respect of their own portfolio area of responsibility.
2. Individual Cabinet members are empowered to authorise funding from the Council's Capital Investment Fund, up to the value of £0.5m (in line with the Council's Growth Investment Strategy).

The exceptions are as follows:

- 1.1 A decision that is a departure from the agreed Strategic Plan except where this falls within current agreed policy.
 - 1.2 Decisions solely in relation to the Cabinet Member's own ward including, for example, making a grant, unless this is agreed by the Leader. This does not prevent the use of the Cabinet Member's Locality Budget.
 - 1.3 Where the Leader has indicated before a decision is either taken by the Portfolio Holder or implemented that he requires the decision to be taken collectively by the Cabinet. Notification of this by the Leader must be made to the Assistant Director (HR, Legal & Democratic Services).
 - 1.4 A decision in which the Cabinet member has either a disclosable pecuniary interest or some other conflict of interest.
 - 1.5 Those decisions delegated to an officer unless the officer refers the decision to the Cabinet member.
 - 1.6 A decision which in the view of the Chief Executive is one which should properly be treated as a key decision (except where it is funded from the Capital Investment Fund, where it may be made by the Portfolio Holder in accordance with 2. above.
3. The Cabinet may delegate any decision to an individual Cabinet member who must then follow the procedure in this document in making that decision.
 4. The decisions must be made in consultation with officers deemed appropriate by the Chief Executive and the Cabinet member must take into account the professional, legal and financial implications and any advice given by those officers.

5. Where there are significant cross-cutting implications the decision should be made in consultation with other appropriate portfolio holder(s).
6. Where a decision has significant impact on an individual ward the Cabinet member should consult the appropriate ward member.
7. Where it is not clear in which portfolio an issue sits, the Leader shall decide. If the appropriate portfolio holder is unavailable and a decision needs to be taken urgently, then the Leader may take the decision in consultation with the Chief Executive.

Notification and Publication

Wherever possible, 5 clear working days' notice of the intention to make a decision under these delegated powers will be given to all Members of the Council, by notice sent electronically and published on the Council website together with any supporting report.

Where 5 clear working days' notice is not practicable for exceptional reasons relating to the urgent need to action the decision the Cabinet Member should give notification of the intent to make the decision as soon as possible explaining the reasons for the short notice.

The decision must be recorded on the appropriate form prepared and published by Democratic Services. The decision will be published and may not be implemented until after either:

- the call-in period (5 working days after the date of publication) has expired; or
- a call-in process has been completed.

Call-in, using the procedure in the Council Procedure Rules, may be made within 5 days of the decision being published and the usual process shall be followed.

Forest Heath District Council

Article 7 - Overview and Scrutiny Committees

7.1 Introduction

7.1.1 Effective overview and scrutiny is essential to enhance the accountability and transparency of the decision-making process. The Council has appointed an Overview and Scrutiny Committee and a Performance and Audit Scrutiny Committee to discharge the functions conferred by section 9F of the Local Government Act 2000 and any regulations. Forest Heath and St Edmundsbury Councils may also appoint joint overview and scrutiny committees to exercise those functions with regard to matters that affect both councils. The committees will discuss issues in public and take a cross-cutting approach to their work. In accordance with section 9FA of the above Act they may appoint one or more sub-committees to carry out any of their functions. They will seek to improve the delivery of policies and services by:-

- (a) holding the Cabinet to account for its actions;
- (b) advising on the development and implementation of new policy and corporate projects;
- (c) testing whether existing policies and practices are effective and efficient and suggesting how they might be improved; and
- (d) ensuring the rigour and objectivity of performance management and service reviews.

7.1.2 The Performance and Audit Scrutiny Committee will have the specific role of monitoring the budget, and it oversees the performance of services by considering a range of information such as performance indicators, inspection reports and action plan monitoring. It approves the Council's Statement of Accounts and is also the Council's audit committee. This Committee also carries out the Treasury Management functions set out in detail in the Overview and Scrutiny Procedure Rules in Part 4 of this constitution.

7.2 The Overview and Scrutiny Committee

7.2.1 The Council will appoint an Overview and Scrutiny Committee of up to 10 members, or as many as Council determines from time to time, and it will normally be politically balanced. No member of the Cabinet may be a member of the Overview and Scrutiny Committee.

7.2.2 The primary purpose of the Committee is to improve the delivery of policies and services. To do this it will exercise the following **General Role**:-

- (a) review and scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions (subject to 7.9.1(h) below);
- (b) make reports and recommendations to the Council and the Cabinet in connection with the discharge of any functions;
- (c) consider any matter affecting the area or its inhabitants;
- (d) question Members of the Cabinet and officers about their views on issues and proposals affecting the area;
- (e) liaise with external organisations operating in the area, whether national, regional or local, to ensure the interests of local people are enhanced by collaborative working;
- (f) exercise the right to "call in", for reconsideration, decisions made but not yet implemented by the Cabinet, in accordance with the rules set out in Part 4 of this Constitution; and
- (g) consider any Councillor Calls for Action referred to it in accordance with the Protocol set out in Part 5 of this Constitution;
- (h) consider any matter which has been placed on the agenda of the committee by any member of the committee in accordance with the rules of procedure in Part 4 of this Constitution;
- (i) act as the crime and disorder committee for the purposes of section 19 of the Police and Justice Act 2006.

7.2.3 **Scrutiny Role**

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

- (a) review and scrutinise the decisions made by, and the performance of, the Cabinet, Committees and Council officers both in relation to individual decisions and over time;
- (b) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas, and carry out performance management reviews;
- (c) review the adequacy of policies and practices to ensure compliance with statutory and other guidance;
- (d) question Members of the Cabinet, Committees and officers about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- (e) make recommendations to the Cabinet and/or the appropriate Committee arising from the scrutiny process;

- (f) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Overview and Scrutiny Committee and local people about their activities and performance and issues of wider concern;
- (g) question and gather evidence from any person (with their consent);
- (h) assist the Council and the Cabinet in the development of the policy framework by detailed analysis of policy issues and options, including research, and community and other consultation;
- (i) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
- (j) consider how collaborative working with external organisations can enhance the interests of local people.

7.2.4 For specific issues, the above work can be carried out by task and finish groups, which will be appointed and managed by the Committee. These groups will draw upon the knowledge and expertise of all Members of the Council.

7.2.5 **Holding the Cabinet to Account**

The Overview and Scrutiny Committee will hold the Cabinet to account for the discharge of its functions. The principal elements by which it will do this are as follows:-

- (a) scrutinising decisions which the Cabinet is planning to take, as set out in the Decisions Plan or of which proper notice is given (including decisions referred to it in accordance with paragraph 6.6.2 of Article 6);
- (b) scrutinising decisions of the Cabinet and individual portfolio holders before they are implemented and if necessary using the "call-in" mechanism to require the decision taker to reconsider the earlier decision;
- (c) scrutinising decisions of the Cabinet or Portfolio Holders after they have been implemented as part of a wider review.

The Leaders of Forest Heath District Council and St Edmundsbury Borough Council have confirmed their intention to delegate collective Cabinet decision making to a Joint Cabinet. It is, therefore, expected that where the Overview and Scrutiny Committee performs its role in holding the Cabinet to account, then the Chairman shall consult with the Chairman of the St Edmundsbury Borough Council Overview and Scrutiny Committee on whether it is more effective and efficient to meet jointly. Where it is considered appropriate to do so, the date, time and venue of the meeting shall be confirmed by the Chairmen and the meeting shall be

undertaken in accordance with the principles of the Overview and Scrutiny Committee Procedure Rules in Part 4 of the Constitution.

7.3 Performance and Audit Scrutiny Committee

7.3.1 The Council will also appoint a Performance and Audit Scrutiny Committee of up to ten members, which will normally be politically balanced. Within its terms of reference the Committee will monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports, and monitoring of action plans. No member of the Council's Cabinet may be a member of the Performance and Audit Scrutiny Committee.

7.3.2 The Committee will also assist the Council and the Cabinet in the development of the budget framework, and act as the Council's Audit Committee, and the nature of this role is specified in the Procedure Rules in Part 4 of this Constitution.

7.4 Finance

7.4.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee may exercise overall responsibility for any finances made available to them.

7.5 Annual Report

7.5.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee must report annually to the full Council on their workings and make recommendations for future work programmes and amended working methods if appropriate.

7.6 Officers

7.6.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee may exercise overall responsibility for the work programme of any officers employed to support their work.

7.7 Proceedings of the Committees

7.7.1 The Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

7.8 Work Programme

- 7.8.1 The Rules of Procedure in Part 4 of this Constitution will also provide mechanisms to allow all Members of the Council the opportunity to place an item on the agenda of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee.
- 7.8.2 When practicable, the Overview and Scrutiny Committee will publish a forward work programme or list of items likely to be considered over the next four months.

7.9 Working Methods

- 7.9.1 The following principles should be adhered to by the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee when carrying out their work:-
- (a) a variety of different approaches and formats for meetings may be used;
 - (b) 'task and finish' groups reporting periodically and at the end of reviews to the Overview and Scrutiny Committee should be encouraged as the preferred method of scrutiny reviews;
 - (c) membership of the Committees and their sub groups (if applicable) should be tailored to ensure appropriate skills and expertise, and external input, are brought to bear;
 - (d) when appropriate, full consultation with all other stakeholder groups and organisations should take place;
 - (e) the declaration of interest rules shall apply;
 - (f) the imposition of the Party Whip is regarded as incompatible with the work of the Council's Scrutiny Committees;
 - (g) the chairman and vice-chairman of each Scrutiny Committee will meet at least quarterly with the Leader and Deputy Leader of the Council to ensure that the work of these Committees is properly co-ordinated; and
 - (h) where any Scrutiny Committee is reviewing the work of a Regulatory or other Committee of the Council (as opposed to the Cabinet) it will not scrutinise individual decisions made by such Committees, particularly decisions in respect of development control, licensing, registration, consents and other permissions. In particular, scrutiny will not be an alternative to normal appeals procedures. However, the Overview and Scrutiny Committee has the power to make reports and recommendations on functions which are not the

responsibility of the Cabinet, an option normally to be used as part of wider policy reviews.

7.10 Support

7.10.1 In order that the Overview and Scrutiny Committee can perform its roles properly, it shall be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources;
- (c) access to the advice of the Council's Monitoring Officer;
- (d) the ability to require Members of the Cabinet and officers to attend to answer questions;
- (e) specific training and development for all persons who undertake overview and scrutiny duties; and
- (f) the Decisions Plan, containing details of all the matters likely to be the subject of key decisions, or to be considered in private by the Cabinet, or its Committees or by officers, shall be made available to all Members of the Overview and Scrutiny Committee.

7.10.2 In order that the Performance and Audit Scrutiny Committee can perform its role properly it shall also be given the following support:-

- (a) effective and properly resourced support from officers;
- (b) appropriate financial resources;
- (c) access to external auditors who report direct to the Committee and to the Internal Audit Service Manager; and
- (d) specific training and development as required.

Forest Heath District Council

Article 8 – Regulatory Committees

8.1 Regulatory Committees

8.1.1 The Council must appoint Committees to deal with functions such as licensing, town and country planning controls and any other functions which by law are not to be functions of the Cabinet or Council. Although a brief summary of their main areas of work is set out below, all the functions discharged by these Committees is set out in detail in Part 3 of this Constitution.

8.2 Development Control Committee

8.2.1 This Committee is responsible for matters relating to the control of the use of land including planning and listed building consent, the preservation of buildings and trees, conservation areas and enforcement.

8.3 Licensing and Regulatory Committee

8.3.1 This Committee's responsibilities include regulating the sale of alcohol, the provision of public entertainment and gambling, and taxis/private hire vehicles and drivers.

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Forest Heath District Council

Article 9 - The Joint Standards Committee

9.1 Standards Committee

9.1.1 This is a Joint Committee between St Edmundsbury Borough Council and Forest Heath District Council.

9.1.2 Political balance rules do not apply to this Committee.

9.2 Membership

9.2.1 The Joint Committee will comprise six Members, three appointed by each authority.

9.2.2 The quorum of the Joint Committee will be three Members.

9.3 Role and Function

9.3.1 The Joint Standards Committee will have the roles and functions set out in Part 3 to this Constitution, Responsibility for Functions.

9.3.2 The Joint Standards Committee will not cover the conduct of officers, for which separate provisions apply.

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Forest Heath District Council

Article 10 - Joint Arrangements and Working Groups

10.1 Arrangements to Promote Wellbeing

10.1.1 The Council or the Cabinet, in order to promote the economic, social or environmental wellbeing of its area or to carry out activities under the general power of competence may:-

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

subject in all cases to compliance with statutory requirements.

10.2 Joint Arrangements

10.2.1 The Council may establish joint arrangements with one or more local authorities and/or their executives to exercise functions in any of the participating authorities. Such arrangements may involve the appointment of a joint committee with such other local authorities.

10.2.2 The Cabinet may establish joint arrangements with one or more local authorities to exercise functions which are executive functions. Such arrangements may involve the appointment of joint committees with such other local authorities.

10.2.3 Except as set out in 10.2.4 below, the Cabinet may only appoint Cabinet Members to a joint committee and those Members need not reflect the political balance of the Council as a whole.

10.2.4 The Cabinet may appoint Members to a joint committee from outside the Cabinet in any of the following cases:-

1. Where the joint committee has functions for only part of the area of the Council, and that area is smaller than two-fifths of the Council by area or population. In such cases, the Cabinet may appoint to the joint committee any Councillor who is a Member for a Ward which is wholly or partly contained within that part of the area of the Council.

2. The joint committee is discharging a function in relation to five or more authorities;
3. The function which the joint committee is discharging is one which is required by statute to be discharged by a joint committee.

The political balance requirements do not apply to such appointments.

- 10.2.5 Details of any joint arrangements, including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

10.3 Working Groups

- 10.3.1 The Council, Cabinet or Committees may appoint from time to time such working groups as they think fit, including joint working groups with St Edmundsbury Borough Council. The working groups which have been appointed are identified in Part 3 of this constitution.
- 10.3.2 The Code of Conduct for Members will apply to councillors participating in a working group.

10.4 Access to Information

- 10.4.1 The Access to Information Rules in Part 4 of this Constitution apply to any joint arrangements.
- 10.4.2 If all the members of a joint committee are members of the Cabinet in each of the participating authorities then the Access to Information regime of the joint committee will be the same as that applied to executives.
- 10.4.3 If the joint committee contains members who are not on the Cabinet in any participating authority, then the Access to Information Rules in Part VA of the Local Government Act 1972 (as amended) will apply.

10.5 Delegation to and from Other Local Authorities

- 10.5.1 The Council may delegate non-executive functions to another local authority or, in certain circumstances, the executive of another local authority.
- 10.5.2 The Cabinet may delegate executive functions to another local authority or the executive of another local authority in certain circumstances.

10.5.3 The decision whether or not to accept similar delegations from another local authority shall be reserved to the full Council.

10.6 Contracting Out

10.6.1 The Council (in respect of functions which are not the responsibility of the Cabinet) and the Cabinet (in respect of executive functions) may contract out to another body or organisation any 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.

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Forest Heath District Council

Article 11 - Officers

11.1 Management Structure

11.1.1 Appointment of staff below Chief Officer level must be the responsibility of the Head of Paid Service or his/her nominee.

- (a) **General** - The Council may engage such staff (referred to as officers) as it considers necessary to carry out its functions.
- (b) **Chief Officers** - The Council will engage persons who will be designated Chief Officers as described in the Officer Employment Procedure Rules in Part 4 of this Constitution. The appointment of Chief Officers, other than the Head of Paid Service, will be undertaken on the Council's behalf by the Joint Officer Appointments Committee.
- (c) **Head of Paid Service, Chief Finance Officer (s151 Officer) and Monitoring Officer** – the Council will in the Scheme of Delegation to Officers in Part 3 of this constitution designate officers to these posts.

Such posts will have the functions described in Article 11.2 - 11.4 below. The duties of the Monitoring Officer and the Chief Finance Officer can be carried out by a deputy, nominated by them, in cases of absence or illness; and

- (d) **Structure** - The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and the deployment of officers. This is set out as Part 7 of this Constitution.

11.2 Functions of the Head of Paid Service

11.2.1 **Discharge of functions by the Council** - The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grades of officers required for the discharge of functions and the organisation of these officers.

- 11.2.2 **Restriction on functions** - The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

11.3 Functions of the Monitoring Officer

- 11.3.1 **Monitoring the Constitution** - The Monitoring Officer will monitor and evaluate the operation of the Constitution to ensure that its aims and principles are given full effect.
- 11.3.2 **Ensuring lawfulness and fairness of decision-making** - After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the full Council, the Cabinet (in relation to an executive function) or the relevant committee if he or she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 11.3.3 **Supporting the Joint Standards Committee** - The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Joint Standards Committee.
- 11.3.4 **Conducting investigations** - The Monitoring Officer will conduct investigations into complaints referred by the Monitoring Officer and Independent Person and make reports or recommendations in respect of them to the Joint Standards Committee.
- 11.3.5 **Access to Information** - The Monitoring Officer will ensure that there are procedures in place for Cabinet decisions, together with the reasons for those decisions and relevant officer reports and background papers, to be made publicly available as soon as possible.
- 11.3.6 **Advising whether Executive decisions are within the budget and the policy framework** - The Monitoring Officer will advise whether decisions of the Executive are in accordance with the budget and policy framework.
- 11.3.7 **Providing advice** - The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors.
- 11.3.8 **Restriction on posts** - The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

11.4 Functions of the Chief Finance Officer

- 11.4.1 **Ensuring lawfulness and financial prudence of decision-making** - After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council, or the Cabinet in relation to an executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 11.4.2 **Administration of financial affairs** - The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- 11.4.3 **Contributing to corporate management** - The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- 11.4.4 **Providing advice** - The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors and will support and advise Councillors and officers in their respective roles.
- 11.4.5 **Give financial information** - The Chief Finance Officer will ensure that financial information about the Council is provided to the media, members of the public and the community.

11.5 Duty to Provide Sufficient Resources to the Monitoring Officer and Chief Finance Officer

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

11.6 Conduct

- 11.6.1 Officers will comply with the Officers' Code of Conduct and the protocol on officer/member relations set out in Part 5 of this Constitution.

11.7 Employment

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

Forest Heath District Council

Article 12 - Decision-Making

12.1 Responsibility for Decision-Making

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

12.2 The Principles of Decision-Making

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

- (a) the decision must be reasonable within the common meaning of the word, i.e. it must be a rational decision based on sound judgement;
- (b) the decision must also be reasonable within the legal meaning of "reasonableness" i.e. all relevant considerations must be fully taken into account in reaching the decision and all irrelevant ones disregarded;
- (c) in the case of 'quasi-judicial' decisions (e.g. a decision as to whether or not to grant a licence) a fair hearing conducted in accordance with the rules of natural justice should be afforded to the person who is the subject of the decision;
- (d) the decision must be proportionate (i.e. the action should be proportionate to the desired outcome);
- (e) decisions should be taken on the basis of due consultation and professional advice from officers;
- (f) human rights must be respected and consideration must be given as to whether the decision will give rise to any implications under the Human Rights Act 1998 and the European Convention on Human Rights;
- (g) decisions must be taken in compliance with Council's schemes of delegation, financial rules and instructions relating to contracts;
- (h) when making decisions a presumption in favour of openness must be applied and a clarity of aims and desired outcomes must be displayed;
- (i) careful consideration should always be given as to whether there is an interest that should be declared; and
- (j) in the case of executive decisions taken by the Cabinet, or an individual Member of the Cabinet, or an Officer (where the decision is closely connected

with the Cabinet), a proper record of the decision must be made together with a record of the reasons for the decision, details of any alternative options considered and rejected and any conflicts of interest.

12.3 Types of Decision

12.3.1 **Decisions reserved to Council** - Decisions relating to the functions listed in Article 4.2 will be made by the whole Council and not delegated.

12.3.2 Key Decisions

- (a) A "key decision" means an executive decision which, pending any further guidance from the Secretary of State, is likely to:-
- (i) be significant in terms of its effects on communities living or working in an area in the District; or
 - (ii) result in any new expenditure, income or savings of more than £100,000 in relation to the Council's revenue budget or capital programme; or
 - (iii) comprise or include the making, approval or publication of a draft or final scheme which may require, either directly or in the event of objections, the approval of a Minister of the Crown.
- (b) A decision taker may only make a key decision in accordance with the requirements of the Executive procedure rules set out in Part 4 of this Constitution.

12.4 Urgent key decisions

12.4.1 Provisions for taking key decisions in cases of urgency where they have not been included in the decisions plan are set out in the Access to Information Procedure Rules in Part 4 of this constitution.

12.4 Decision-Making by the Council

12.4.1 Subject to Article 12.8, the Council meeting will follow the Council procedure rules set out in Part 4 of this Constitution when considering any matter.

12.5 Decision-Making by the Cabinet

12.5.1 Subject to Article 12.8, the Cabinet will follow the Executive Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.6 Decision-Making by the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee

12.6.1 The Council's Scrutiny Committees will follow the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution when considering any matter.

12.7 Decision-Making by Other Committees and Sub-Committees Established by the Council

12.7.1 Subject to Article 12.8, other Council Committees and Sub-Committees will follow those parts of the Council Procedure Rules set out in Part 4 of this Constitution as apply to them.

12.8 Decision-Making by Council Bodies Acting as Tribunals

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

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Forest Heath District Council

Article 13 - Finance, Contracts and Legal Matters

13.1 Financial Management

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

13.2 Contracts

13.2.1 Every contract made by the Council will comply with the contracts procedure rules set out in Part 4 of this Constitution.

13.3 Legal proceedings

13.3.1 The Service Manager (Shared Legal) is authorised by the Scheme of Delegation to Officers set out in Part 3 of this constitution to institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where he or she considers that such action is necessary to protect the Council's interests.

13.4 Authentication of documents

13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Executive Officer or the Service Manager (Shared Legal) or in their absence by other persons authorised by the Service Manager (Shared Legal), unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

13.5 Common Seal of the Council

13.5.1 The Common Seal of the Council will be kept in a safe place in the custody of the Assistant Director (HR, Legal and Democratic Services). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Council's Monitoring Officer should be sealed. Sealed documents will be signed by any one of the following officers of the Council:

- The Chief Executive Officer
- The Monitoring Officer

- A Director
- An Assistant Director
- A Lawyer.

13.5.2 An entry of every sealing of documents will be made and consecutively numbered in a register and be initialled by the person who attested the seal.

Forest Heath District Council

Article 14 - Review and Revision of the Constitution

14.1 Duty to Monitor and Evaluate the Constitution

- 14.1.1 The Monitoring Officer will monitor and evaluate the operation of this Constitution to ensure that its aims and principles are given full effect.

14.3 Changes to the Constitution

Approval

- 14.3.1 Except as provided in 14.3.3 below, changes to this constitution will be approved by the full Council after consideration of the proposal by the Monitoring Officer.
- 14.3.2 A vote at full Council to change this Constitution should be passed by a simple majority of those present and voting.
- 14.3.3 The Monitoring Officer, in consultation with the Head of Paid Service and relevant Portfolio Holder, has delegated authority to make minor amendments to the constitution arising from changes to legislation, changes to staffing structures or job descriptions or changes in terminology. Such changes will be reported quarterly to the Overview and Scrutiny Committee. The Monitoring Officer also has authority to amend the constitution to implement decisions of the Leader in relation to the delegation of executive functions to the Cabinet.
- 14.3.4 If the proposal involves a change from the existing Leader and Cabinet form of executive to another form of executive, the Council must take reasonable steps to consult with local electors and other interested persons in the District. If the proposed new form of executive involves an elected mayor, the Council must also hold a referendum.

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Forest Heath District Council

Article 15 - Suspension, Interpretation, Maintenance and Publication of the Constitution

15.1 Suspension of the Constitution

- 15.1.1 **Limit to suspension** - The articles of this Constitution may not be suspended. Any rules of procedure, except those required by law, may be suspended to the extent permitted within those rules and the law.
- 15.1.2 **Procedure to suspend** - A motion to suspend any rules will not be moved without notice unless at least one half of the total number of Councillors entitled to be present is present. The extent and duration of suspension will be proportionate to the results to be achieved, taking into account the purposes of this Constitution set out in Article 1.

15.2 Interpretation of the Constitution

- 15.2.1 The ruling of the Chairman (or in his/her absence the Vice Chairman) on the interpretation of this Constitution in relation to any proceedings of the Council, shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1.

15.3 Maintaining the Constitution

- 15.3.1 The Monitoring Officer will ensure that there are periodic operational reviews of this Constitution.
- 15.3.2 The Monitoring Officer will also ensure that an up-to-date version of this Constitution is maintained and that it is widely available for consultation by Members, staff and the public, as set out in Article 15.4 below.

15.4 Publication of the Constitution

- 15.4.1 The Monitoring Officer will make available an electronic copy of this Constitution to each councillor upon delivery of that individual's declaration of acceptance of office on the councillor first being elected to the Council.
- 15.4.2 The Monitoring Officer will ensure that the Constitution is published on the Council's website in a form that can be downloaded and that copies are available for inspection at council offices, libraries and other appropriate locations, and can be purchased by members of the local press and public on payment of a reasonable fee.

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PART 3

**FUNCTIONS AND
RESPONSIBILITIES**

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Forest Heath District Council

Part 3 – Functions and Responsibilities

The various parts of this section of the Constitution set out the responsibility for functions. These are divided between the Council and/or its Committees, and the Cabinet (the executive). In both cases they are subject to the onward delegation to employees set out in the Scheme of Delegation to Officers.

Section 1 - Responsibility for Local Choice Functions

The table below sets out the Council's decisions on who will be responsible for functions where there is a choice whether these are functions of Council or Cabinet.* These are also subject to the onward delegation to employees set out in the Scheme of Delegation to Officers.

Local Choice Function	Who is Responsible?
1. Any function under a local Act	Cabinet
2. The determination of an appeal against any decision made by or on behalf of the Authority	Council
3. Any function relating to contaminated land.	Council
4. The discharge of any function relating to the control of pollution or the management of air quality.	Council
5. The service of an abatement notice in respect of a statutory nuisance.	Council
6. The passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area.	Council
7. The inspection of the Authority's area to detect any statutory nuisance.	Council
8. The investigation of any complaint as to the existence of a statutory nuisance.	Council

Local Choice Function	Who is Responsible?
9. The obtaining of information under section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council
10. The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council
11. The making of agreements for the execution of highways works	Council
12. The appointment of any individual:	
(a) to any office other than an office in which he is employed by the Authority;	Council
(b) to any body other than –	
(i) the Authority;	
(ii) a joint committee of two or more authorities; or	
(c) to any Committee or Sub-Committee of such a body, and the revocation of any such appointment	

**In accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as amended.*

Forest Heath District Council

Section 2 - Responsibility for Council functions

- 2.1 The following parts set out how the Council has chosen to delegate responsibility for certain of its Local Choice and non-executive functions. Other delegations are contained in the Scheme of Delegation to Officers. Where no delegation is indicated, responsibility for Local Choice and non-executive functions remains with the full Council. The delegation of powers and duties to Committees and Sub-Committees shall be deemed to include, in any reference to an Act of Parliament, a reference to any subsequent Act or Acts which may amend, replace or extend it, and to any regulation, order or direction made under such Act or Acts.
- 2.2 Every Committee appointed by the Council may appoint Sub-Committees for the purposes to be stated by the Committee. The Members of a Sub-Committee will be Members or substitute Members of the appointing Committee.
- 2.3 Any Committee or Sub-Committee may, within its delegated authority, set up working parties or panels for the detailed study of any matter. Any working party/panel given delegated authority will become a Sub-Committee.

A - Development Control

1 – Remit

The Development Control Committee is authorised to undertake (or sub-delegate) all of the Council's functions relating to town and country planning, development control and the protection of hedgerows and trees, as specified in Parts A and I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended by subsequent regulations).

The Committee is also authorised to exercise the Council's Local Choice Functions in relation to the obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land and the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976 (as specified in the table in Section 1 above).

In summary, the area of responsibility of this Committee includes all matters relating to the administration of Town and Country Planning legislation, Listed Building and Conservation Area legislation, Hazardous Substances legislation and the Building Acts and associated Regulations within the purview of the Authority as it relates to the following functions:-

Part 3 – Functions and Responsibilities
Section 2 – Responsibility for Council
Functions

- (1) The Committee determines all planning or similar applications which are:
 - (a) judged by the Assistant Director (Planning and Regulatory) (after consultation with the Chairman and/or the Vice Chairman/men of the Development Control Committee) to be of such district-wide significance or to be so contentious that they should in the public interest be referred to the Committee for consideration and determination, and;
 - (b) applications proposing major development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995) and where the recommendation of the Assistant Director (Planning and Regulatory) would conflict with or would not substantially satisfy the written representation of the Parish/Town Council; or where a Member for the ward in which the application site is located, or who is a Member of the Council's Development Control Committee, has requested (in writing) consideration by Committee, and;
 - (c) applications proposing other than major development (as defined above) referred by the Assistant Director (Planning and Regulatory) following consultation with the Delegation Panel.
- (2) A Members' Delegation Panel Scheme (known as "the Panel") has been set up to deal with applications for Planning Permissions, Listed Building Consents and Conservation Area Consents. The Panel is intended to deal with items which would normally be dealt with under delegated authority but where there is a contrary view from the Town/Parish Council or where the Ward Member has requested that the application be referred to the Panel for a planning reason. This will apply in cases including (but not limited to) applications from householders, advertised matters, applications for change of use, applications for minor residential development (as defined in Article 1(2) of the Town and Country Planning (General Development Procedure) Order 1995), applications for a variation of conditions, applications relating to hazardous substances and TPO applications.

In cases referred to above, decisions will only be taken following consultation with the Panel which will comprise the Chairman and/or Vice Chairman/men of Development Control Committee and any local Ward Member(s) who has/have expressed any interest in writing.

The Panel scheme will operate as follows:

- (a) Meeting of the Panel will normally take place fortnightly.

- (b) A list of applications to be considered at the Panel will be circulated to all Members, and a written briefing report on each case prepared and circulated to the Chairman and Vice Chairman/men of Development Control Committee and any local Member(s) or adjacent Ward Member with the approval of the Ward Member(s), who has/have expressed any interest in writing, at least four clear working days in advance of the Panel meeting, with provision for emergency items at the discretion of the Chairman or Vice Chairman/men and Ward Member(s).
 - (c) The local Member(s) may attend the Panel or submit representations in writing in order to make sure the Panel is clearly aware of their views and reasoning. Any Member may attend the Panel as an observer.
 - (d) The Council's Planning Case Officer(s) will present individual applications for discussion and decision, including all representations received and photographs of the site.
 - (e) The formal decision as to whether the application will be determined at Development Control Committee or by delegated authority will be made by the Assistant Director (Planning and Regulatory) in consultation with the Chairman and/or Vice Chairman/men and any interested local Ward Member. In the absence of a consensus between the Members the application will be reported to the Development Control Committee.
 - (f) The relevant Parish/Town Council will be informed of the decision verbally by the Council's case officer within two working days of the Panel meeting and will be sent written reasons within 10 working days of the Panel meeting with copies to the Chairman, Vice Chairman/men of Development Control Committee and local Member(s).
- (3) The Committee is responsible (without imposing limitations on the ability to sub-delegate these functions in accordance with the Scheme of Delegation to Officers) for matters relating to:
- (a) Development Control functions and enforcement including (but without limitation):
 - (i) The preservation of buildings and trees;
 - (ii) Controlling uses of land and buildings, including relocation of non-conforming uses, the making of discontinuance, revocation and modification orders and the making of agreements regulating the development and/or use of land or premises;
 - (iii) Determination of planning applications and commenting upon development proposals by Suffolk County Council and other public bodies;

- (iv) Determination of planning applications made by or on behalf of the Council, whether submitted by or on behalf of the Council itself or jointly with another person;
 - (v) Determination of applications relating to signs and advertisements;
 - (vi) Enforcement by means of issue of enforcement notices, breach of condition notices, stop notices and any other lawful instrument and subsequent prosecution or legal proceedings.
- (b) Building Control functions and enforcement, including but without limitation:
- (i) approval of buildings and works under Building Regulations for the time being in force;
 - (ii) enforcement action including criminal, injunctive or other legal proceedings;
- (c) To fix fees and charges for all services administered by the Committee.

2 – Membership and meeting arrangements

- 2.1 The Committee will comprise no more than the minimum number of members necessary to allow appointment on the basis of one member from each Ward, unless the obligation to achieve political balance necessitates more than one member from that Ward, but no more.
- 2.2 The Committee will be appointed annually by the full Council and will be politically balanced.
- 2.3 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.
- 2.4 The Committee will meet in accordance with a schedule of ordinary meetings approved by the Council, although meetings may be cancelled due to lack of business. Special meetings of the Committee may also be called.

3 – Delegation of Functions

- 3.1 The majority of the Committee's functions will be determined by officers, as set out in Section 4 of this part of the Constitution. These delegations are subject to:-
- (a) any such determination being consistent with Development Plans and adopted Borough and County Planning Policies;
 - (b) statutory and customary consultations being carried out; and
 - (c) the safeguards and consultative procedures listed in Part 1 above.

- 3.2 Those matters which will normally fall to be determined by the Committee are as defined part 1, paragraphs (1)(a) – (c) above. In exercising any of its functions, the Committee may refer any item to Council for a decision.

4 – Procedure at meetings

- 4.1 Procedure at meetings shall be in accordance with the Committee Procedure Rules, except as provided in 4.2 below.
- 4.2 The Committee shall have authority to determine from time to time its own arrangements for public speaking on applications, and which matters are to be included within those arrangements.

B - Licensing

1 – Remit

The Licensing and Regulatory Committee (in this Section referred to as “the Committee”) is authorised to undertake or sub-delegate all matters of a regulatory nature, other than those covered by the Development Control Committee, or which are required by statute to be licensed, and the hearing of certain appeals.

The Committee will only hear those appeals which the Authority is required to determine; it will not take the place of any other appeals process or complaints procedure, nor will it provide a general appeal mechanism for any decision of the Authority.

- 1.1 The Committee is authorised to undertake (or sub-delegate) all of the Council’s regulatory functions relating to licensing and registration, health and safety at work (for non-Council staff), public rights of way and take-away food shops, as specified in Parts B, C and I of Schedule 1 to the Local Authorities (Functions and Responsibilities)(England) Regulations 2000 (as amended by SI 2001 No.2212 and any subsequent Regulations).
- 1.2 The Committee is also authorised to exercise the Council’s Local Choice Functions (as specified in the Table in Section 1) in relation to:-
 - (1) the determination of an appeal against any decision made by or on behalf of the Council (other than those relating to employees of the Council), including appeals relating to Discretionary Housing Payments;
 - (2) any function relating to contaminated land.
 - (3) the discharge of any function relating to the control of pollution or the management of air quality;
 - (4) the service of an abatement notice in respect of a statutory nuisance;
 - (5) the passing of a resolution that Schedule 2 to the Noise and Statutory Nuisance Act 1993 should apply in the Authority's area;
 - (6) the inspection of the Authority's area to detect any statutory nuisance;
 - (7) the investigation of any complaint as to the existence of a statutory nuisance;

- (8) the obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976; and
 - (9) the making of agreements for the execution of highways works.
- 1.3 The Committee may also authorise a prosecution for any offence within the scope of its delegation.

2 – Membership and meeting arrangements

- 2.1 The Committee will comprise up to 10 Members. It will be appointed annually by the full Council and will be politically balanced insofar as is reasonably practicable.
- 2.2 Members appointed to the Committee will:
- (a) be able to provide a sufficient, competent¹ pool capable of carrying out the Committee’s programme of work and anticipated number of Sub-Committee hearings for the forthcoming year, as set out in Section 3 below.
 - (b) make themselves available to participate in the work of the Licensing Authority.
 - (c) be required to undertake mandatory training on the functions and responsibilities of the Committee and its Sub-Committees in order that legislative and/or local policy requirements are appropriately applied. Attendance at events or delivered by other means of all updates on relevant laws will be required.
- 2.3 The Committee will appoint its own Chairman and Vice-Chairman/Chairmen.
- 2.3.1 Chairmen will:
- (a) be elected with full understanding of their procedural responsibilities, in accordance with the principles set out in paragraph 5.2 of Article 5 of the Constitution.
 - (b) be responsible for Member-to-Member engagement, in particular between the Committee and the respective Portfolio Holder.
 - (c) lead on other Member-related duties including the appointment of Members of the Committee and non-voting co-optees to Task and Finish Groups.

¹ ‘Competent is defined as having the necessary ability, knowledge and skills required to carry out the work of the Committee and its Sub-Committees. Members and Substitutes of the Committee will be declared ‘competent’ following successful achievement of the required training set out in the Council’s mandatory training package.

- 2.4 The Committee will meet on an annual basis in accordance with a schedule of ordinary meetings approved by the Council to:
- (a) set relevant fees and charges.
 - (b) confirm how the Committee will carry out the core legal functions of the Licensing Authority.
 - (c) agree an allocation of Committee Members to participate in the development of policies on the policy work programme.
- 2.5 With the agreement of the Chairman (or Vice-Chairman in the absence of the Chairman) and relevant Portfolio Holder, extraordinary meetings of the Committee may also be called as substantive business dictates. Sub-Committee meetings are also scheduled as and when required.

3 – Delegation of functions

- 3.1 The majority of the Committee's functions will be determined by Officers, as set out in Section 4 of this part of the Constitution. In normal circumstances, matters will only be brought before the Committee or a Sub-Committee where there is a difficulty or an appeal against an Officer's decision.
- 3.2 A Sub-Committee will comprise any three Members drawn from the full membership of the Committee and appointed for each occasion when it is needed. In addition there will be one 'reserve' Member appointed for each Sub-Committee meeting in case one of the other Members is unavailable or has to withdraw on the day. As far as possible, Sub-Committees should not comprise Members drawn from the same political group or who are all male or all female. All Members of the Committee should be given equal opportunities to sit on Sub-Committees following successful completion of the relevant training.
- 3.3 Applications made in respect of the Licensing Act 2003 will be brought before the Committee or a Sub-Committee in accordance with any regulations published under the Act, the guidance issued under s.182 of the Act and summarised in Table B1 below.
- 3.4 Applications made in respect of the Gambling Act 2005 will be brought before the Committee or a Sub-Committee in accordance with the Scheme of Delegation summarised in Table B2 below.
- 3.5 Applications made in respect of Sex Establishments will be brought before the Committee or a Sub-Committee in accordance with the Schedule of Delegated Authority summarised in Table B3 attached.

4 – Procedure at meetings

- 4.1 Meetings of the Committee will be conducted in accordance with the Committee Procedure Rules, except when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply.

TABLE: B1**Licensing Act 2003: Delegation of Functions**

The Licensing Authority has adopted the following level of delegation of functions in accordance with the general guidance issued by the Government.

Matter to be dealt with	Licensing and Regulatory Sub Committee	Officers
Application for personal licence	If a Suffolk Constabulary objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application for provisional statement	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary premises licence/club premises certificate	If a relevant representation made and not withdrawn	If no relevant representation made
Application to vary designated premises supervisor	If a Suffolk Constabulary objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a Suffolk Constabulary objection	All other cases
Applications for Interim Authorities	If a Suffolk Constabulary objection	All other cases
Application to review premises licence/club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Decision to object when local authority is a consultee and not the lead authority	All cases	
Determination of a Suffolk Constabulary representation to a temporary event notice	All cases	
Determination of application for minor variation		All cases
Determination of application for licence, or variation of licence, in respect of community premises: supervision of alcohol sales	If a Suffolk Constabulary objection is made and not withdrawn	All other cases
Determination of relevance of representation		All cases
Exercise of Responsible Authority Functions of applications and notices submitted to the licensing authority under the Licensing Act 2003 (as amended by the Police and Social Responsibility Act 2011) in accordance with the regulations.		All cases

TABLE: B2**Gambling Act 2005: Delegation of Functions**

GAMBLING ACT 2005			
Summary of permitted licensing authority delegations			
(x indicates the lowest level to which decisions can be delegated)			
Matter to be dealt with	Full Committee	Sub Committee	Officers
Final approval of three year Statement of Licensing Principles	x		
Policy not to permit casinos	x		
Fee Setting (when appropriate)			x
Application for premises licences		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for transfer of a licence		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Application for a provisional statement		Where representations have been received and not withdrawn made	Where no representations have been received/ representations have been withdrawn
Review of a premises licence		x	
Application for club gaming/ club machine permits		Where objections have been made (and not withdrawn)	Where no objections have been made/ objections have been withdrawn
Cancellation of club gaming/ club machine permits		x	
Applications for other permits			x
Cancellation of licensed premises gaming machine permits			x
Consideration of temporary use notice			x
Decision to give a counter notice to a temporary use notice		x	

TABLE: B3**Sex Establishments: Schedule of Delegated Authority**

Matter to be dealt with	Sub Committee* (see note below)	Officers
Grant (First or New) of an Application for the grant of any type of Sex Establishment Licence.	If a relevant objection received or Officers have concerns in respect of the application or characteristics of the locality.	All other cases
Decision on whether an objection is frivolous or vexatious.		In respect of all Applications
Decision on whether an objection is irrelevant.		All cases
Application for Waiver of Licence in respect of any type of Sex Establishment Licence.	All cases	
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being under the age of 18.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who is for the time being disqualified from holding a licence following revocation of such a licence.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person, other than a body corporate, who is not resident in an EEA state or was not so resident throughout the period of 6 months immediately preceding the date when the application was made.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a body corporate which is not incorporated in an EEA state.		All cases
Refusal of an Application for the grant of any type of Sex Establishment Licence on the grounds of the Applicant being a person who had, within a period of 12		All cases

Matter to be dealt with	Sub Committee* (see note below)	Officers
months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.		
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason.	All cases	
Refusal of an Application for the grant, renewal or transfer of any type of Sex Establishment Licence on the grounds that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewed or transfer of such a licence if he made the application himself.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is made (determined) is equal to or exceeds the number which the authority consider is appropriate for that locality.	All cases	
Refusal of an Application for the grant or renewal of any type of Sex Establishment Licence on the grounds that the grant or renewal of the licence would be inappropriate, having regard – (i) to the character of the relevant locality; or (ii) to the use to which any premises in the vicinity are put; or (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.	All cases	
Refusal of an Application for the Variation of the terms, conditions or restrictions on	All cases	

Matter to be dealt with	Sub Committee* (see note below)	Officers
or subject to which the licence is held for any type of Sex Establishment Licence.		
Revocation of a licence.	All cases	

**Although matters will normally be referred to a Sub-Committee for determination, they may be referred to the full Committee at the discretion of the Business Regulation and Licensing Manager, after consultation with the Chairman and Vice-Chairman/men*

Procedure for Hearings of Licensing Matters

Delegated authority is given to the Licensing and Regulatory Committee to amend its procedures from time to time to comply with legislative requirements and in the interests of fairness and efficiency.

Licensing Act 2003 Hearing Regulations - Hearing Procedure

1. Introduction

A Hearing Panel must act as a quasi judicial body. This means that it must follow the rules of natural justice by ensuring that:

- Applicants and licensees know in advance and in reasonable detail anything that is claimed or alleged against them.
- All parties are given a proper opportunity to present their views.
- Only relevant matters are considered.
- The decision taken is reasonable.

A Hearing Panel will also have regard to:

- The Human Rights Act 1998
- Guidance issued under Section 182 of the Licensing Act 2003 (hereinafter called the "2003 Act")
- The Council's Statement of Licensing Policy under the 2003 Act

Notes:

Where a Hearing Panel departs from the Guidance and/or the Council's Statement of Licensing Policy, it will give its reasons for doing so.

2. Definitions

In this document the following definitions apply:

- "Applicant/licensee" means the person who has made an application for a licence under the 2003 Act or a person who has served notice of a temporary event in accordance with the 2003 Act or a person who is the holder of a licence under the 2003 Act;
- "Representation" means a submission by a responsible authority or interested party under the 2003 Act, whether made in response to a consultation by application for review or served in the form of a notice;
- "Party to a hearing" means a person to whom notice of hearing has been given in accordance with column 4 of Schedule 1 attached or who is otherwise entitled to speak at a hearing;
- "Member of the Licensing Authority" means:
a Councillor sitting as a member of the Licensing Act 2003 Sub-Committee hereinafter called a Hearing Panel, or an Officer who has been appointed by the Council as a proper Officer of the Licensing Authority, to carry out the following functions:

- to provide any advice that councillors require to fulfil their functions whether or not it is asked for on:
 - questions of law
 - questions of mixed law and fact
 - matters of practice and procedure
 - the range of options available to the Hearing Panel
 - any relevant decisions of the Courts
 - relevant national guidance or local policy
 - other issues relevant to the matter before the Hearing Panel
 - the appropriate decision making structure to be applied in any case
- to assist where appropriate as to the formulation of reasons and recording decisions
- to question any party to a hearing
- to assist parties to a hearing to clarify evidence and issues
- “Discussion” means to examine by argument and debate.
- “Cross Examination” means the examination of a party or witness with a view to querying or questioning his/her evidence.

3. Hearings will be held in accordance with the Schedule 1 below which sets out:

Column 1	Provision under a which a hearing may be held
Column 2	The period of time within which the hearing must take place
Column 3	The period of notice that must be given about the hearing
Column 4	The persons to whom notice of the hearing will be given
Column 5	The documents that will accompany the notice of the hearing (if any)
Column 6	The period of time within which a party to a hearing must confirm whether or not they intend to appear

4. Notice of Hearing

A notice of hearing shall be accompanied by the following:

- The rights of a party to a hearing (see paragraph 5 below)
- The consequences of non-attendance
- The procedure to be followed at the hearing (see Schedule 2 below)
- Any particular points on which the Licensing Authority will want clarification at the hearing
- Any other documents in accordance with Column 5 of Schedule 1 below

5. Rights of a Party to a Hearing

A party to a hearing:

- may be assisted or represented, whether or not that person is legally qualified;

- is entitled to give further information in support of their application or representation where the Licensing Authority has given notice that clarification on certain points is required;
- may question any other party (including the applicant) if given permission to do so by the Licensing Authority;
- may address the Licensing Authority;
- must be aware that, in the event of non-attendance, the hearing may proceed in their absence. However, if a party has indicated that they intend to attend the hearing but fail to do so, the Licensing Authority may, where it is in the public interest, adjourn the hearing to a specified date (but see paragraph 6 below). Alternatively, the hearing may be held in that party's absence (in which case the Licensing Authority will consider the application, representation or notice made by the absent party);
- will be advised of the procedure to be followed (see Schedule 2 below);

Notes:

- *A party to a hearing must confine their submission to the information given in their application or representation unless they are asked by the Licensing Authority to clarify information given in their application or representation.*
- *Where a party who has confirmed that they intend to appear at a hearing is unable to do so or is unavoidably delayed they must contact the Licensing Authority to explain the reason for their absence. Parties to a hearing are advised to arrive not less than 15 minutes before the hearing commences.*
- *Each party to a hearing will be allowed an equal maximum period of time to exercise the above rights.*
- *The maximum period to be allowed will be determined at the commencement of each hearing.*
- *Where a number of interested parties attend a hearing, all of whom wish to make the same or similar points, they will be invited to appoint a spokesperson. Other interested parties will then be asked to add anything that they consider their spokesperson has omitted. It is not necessary for each interested party to repeat the same points and the Chairman of the hearing will be firm on this point.*

6. Action required by party to a hearing following receipt of notice of hearing

A party to a hearing is required to confirm to the Licensing Authority within the period set out in Column 6 of Schedule 1 below:

- Whether or not they intend to attend or be represented;
- Whether they consider the hearing unnecessary;
- To request in writing permission for any other person to attend (as a witness). Any such request must include the person's name and brief description of the point(s) that person may be able make in order to assist the Licensing Authority at the hearing. Any such request will be considered at the beginning of the hearing but such permission shall not be unreasonably withheld.

Notes:

- *Any such request will be considered at the commencement of the hearing.*
- *The submission of the witness must relate to the points contained in the representation made by the party on whose behalf they are appearing. Any other comment(s) must and will be disregarded.*

7. Dispensing with a hearing

The Licensing Authority may dispense with a hearing if all the parties to it (other than the Licensing Authority itself) have given notice in writing that it is unnecessary. If all parties give such notice, the Licensing Authority, if it agrees, must forthwith give notice to the parties that the hearing has been dispensed with and determine the application within 10 working days based on the representations that have been made in writing.

8. Withdrawal of representation

A party to a hearing may withdraw any representation by giving notice no later than 24 hours prior to the commencement of the hearing or orally at the hearing itself.

Note: If all representations are withdrawn the application will be approved as submitted.

9. Adjournments and Extensions of time

The Licensing Authority may:

- extend any time limit relating to a hearing set out in Schedule 1 if it considers this necessary in the public interest, provided that any reviews can still be determined within the prescribed time limits and provided that during the transition period the application is not consequently deemed grant or deemed refused.
- adjourn or hold a hearing on additional specified dates where it considers this to be necessary
- adjourn to enable a site meeting to be held.

Notice will be given to all the parties to the hearing stating the period of the extension or the date of the re-scheduled hearing and the reasons for it.

Note: During the transition period any adjournment or extension of time will not re-schedule the hearing later than the following:-

<i>Type of Application</i>	<i>Latest time for hearing</i>
<ul style="list-style-type: none"> • <i>Conversion of premises licence or club premises certificate</i> • <i>Variation of new premises licence or new club premises certificate</i> 	<i>Not later than 2 months beginning on the day the application was received by the Licensing Authority</i>
<i>Application for a personal licence by the holder of a Justices' Licence</i>	<i>Not later than 3 months beginning on the day the application was received by the Licensing Authority</i>

10. Hearings in Public

Hearings will take place in public, unless the Licensing Authority excludes the public from all or parts of a hearing on the grounds that the public interest in doing so outweighs the public interest in the hearing (or that part) taking place in public.

When the public are excluded from a hearing (or part), any party to the hearing, their representative and any person called by them as a witness may also be excluded.

11. Representations and Supporting Documentation

Members of the Licensing Authority may ask any question of any party or other person attending the hearing.

In considering any representation made by a party, the Licensing Authority may take into account supporting documentary or other information produced by that party either before the hearing or, with the consent of all the other parties, at the hearing itself.

Note:

- *If material is to be introduced at the hearing, the party must prepare at least ten copies for distribution to the members of the Licensing Authority and the other parties to the hearing if its submission is permitted.*

The Licensing Authority will disregard any information given at a hearing that is not relevant to:

- The application, representation or notice made by the party concerned (or, in the case of a witness the application, representation or notice of the party on behalf of whom they are appearing), and
- the licensing objectives

It should further be noted that some hearings may only consider the prevention of crime and disorder objective

12. Procedure at a Hearing

The procedure to be followed will be explained at the commencement of the hearing. In general terms the procedure will be that set out in Schedule 2 below.

The hearing will take the form of a discussion led by the Licensing Authority. Cross-examination will only be permitted if the Licensing Authority agrees that this is required to enable it to fully and properly consider the case being dealt with.

The Licensing Authority may require any person attending the hearing who is behaving in a disruptive manner to leave and may:

- Refuse permission for that person to return, (in which case the person excluded may submit in writing and before the end of the hearing any information that they would have given orally had they not been required to leave), or
- Permit the person to return on specified conditions

13. Determination of Applications

In the case of a hearing relating to any of the following:

- Application for conversion of existing premises licence or club premises certificate
- Application to vary a premises licence or club premises certificate
- Application for personal licence by holder of a Justices' Licence
- Application to vary a licence to specify an individual as a premises supervisor
- Counter notice following police objection to a temporary event notice
- Review of premises licences following closure order

The Licensing Authority may make its determination at the conclusion of the hearing. All parties will be advised of the decision and the reasons for it, together with their right of appeal.

Note: A determination may authorise an Officer of the Licensing Authority to approve an application subject to conditions to be applied in accordance with the decision made at the hearing

In the case of any other hearing, the Licensing Authority will make its determination within 5 working days.

14. Recording Proceedings

A record of proceedings will be taken in a permanent and intelligible form and kept for 6 years from the date of the determination or the disposal of any subsequent appeal, whichever is the later.

15. Irregularities

Any irregularity resulting from failure to comply with the Licensing Act 2003 (Hearings) Regulations 2005 (or any subsequent Regulations) will not of itself render the proceedings void but, if the Licensing Authority considers that any person has been prejudiced as a result of any irregularity, it will take appropriate steps to rectify this or these before reaching its determination.

Clerical mistakes in any document recording a determination, or errors in documentation arising from an accidental slip or omission, may be corrected by the Licensing Authority.

Schedule 1

	Provision under which hearing may be held Column 1 NB: References are to sections of the Licensing Act 2003	Period of time within which hearing must be take place Column 2	Period of Notice that to be given about the Hearing Column 3	Persons to whom notice of hearing will be given Column 4	Documents to accompany notice of hearing (if any) Column 5	The period of time within which a party to hearing must confirm whether or not they intend to appear Column 6
1	Section 18(3)(a) (Determination of application for premises licence)	20 working days commencing day after period of consultation ends	10 working days	The person who has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
2	Section 31(3)(a) (Determination of application for a provisional statement – premises to be constructed, extended or altered)	20 working days commencing day after period of consultation ends	10 working days	The person who has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
3	Section 35(3)(a) (Determination of application to vary premises licence)	20 working days commencing day after period of consultation ends	10 working days	Holder of premises licence who made application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
4	Section 39(3)(a) (Determination of application to vary a premises licence to specify individual as the premises supervisor)	20 working days commencing day after period within which police may object	10 working days	Holder of premises licence who made application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
				The DPS	The notice given by the Police	
5	Section 44(5)(a) (Determination of application for	5 working days commencing day	10 working	The person who has made the application	The notice given by the Police	5 working days before day on

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	transfer of premises licence)	after period within which police may object	days	Police The holder of the premises licences	 The notice given by the Police	which hearing is held
6	Section 48(3)(a) (Cancellation of interim authority notice on death etc of licence holder following police objections)	5 working days commencing day after period within which police may object	2 working days	The person who has given notice	The notice given by the Police	1 working day before day on which hearing is held
				Police		
7	Section 52(2) (Determination of application for review of premises licence)	20 working days commencing day after period of consultation ends	10 working days	The holder of the premises licence	The relevant representations that have been made	5 working days before day on which hearing is held
				Person who have made relevant representations		
				Person who asked for the review		
8	Section 72(3)(a) (Determination of application for club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	The club that has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
9	Section 85(3)(a) (Determination of application to vary club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	The club that has made the application	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		

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10	Section 88(2) (Determination of application for review of club premises certificate)	20 working days commencing day after period of consultation ends	10 working days	The Club which holds the club premises certificate	The relevant representations that have been made	5 working days before day on which hearing is held
				Persons who have made relevant representations		
				Person who asked for the review		
Page 91	Section 105(2)(a) (Counter notice following police objection to Temporary Event Notice)	7 days commencing day after period within which police may object)	2 working days	The premises user		1 working day before day on which hearing is held
				Police		
12	Section 120(7)(a) (Determination of application for grant of a personal licence)	20 working days commencing day after period within which police may object	10 working days	The person who has made the application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
13	Section 121(6)(a) (Determination of application for renewal of a personal licence)	20 working days commencing day after period within which police may object	10 working days	The person who has made the application	The notice given by the Police	5 working days before day on which hearing is held
				Police		
14	Section 124(4)(a) (Convictions coming to light after grant or renewal of personal licence)	20 working days commencing day after period within which police may object	10 working days	The holder of the personal licence	The notice given by the Police	5 working days before day on which hearing is held
				Police		

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15	Section 167(5)(a) (Review of premises licences following closure order)	10 working days commencing day after notice given	5 working days	The holder of the premises licence Persons who have made relevant representations	The relevant representations that have been made	2 working days before day on which hearing is held
Page 92	Paragraph 4(3)(a) of Schedule 8 (Determination of application for conversion of existing licence)	10 working days commencing day after Police give notice	5 working days	The person who has made the application		2 working days before day on which hearing is held
				Police		
17	Paragraph 16(3)(a) of Schedule 8 (Determination of application for conversion of existing club certificate)	10 working days commencing day after Police give notice	5 working days	The Club that made the application		2 working days before day on which hearing is held
				Police		
18	Paragraph 26(3)(a) of Schedule 8 (Determination of application by holder of a justices' licence for grant of a personal licence)	10 working days commencing day after Police give notice	5 working days	The person who has made the application		2 working days before day on which hearing is held
				Police		

LICENSING ACT 2003 – HEARING PROCEDURE

Pre-Hearing Matters

1. Declaration of Interests
2. Chairman will introduce members of the Hearing Panel
3. Chairman will ask those present to introduce themselves in the following order:
 - Applicant/licensee and any person representing or assisting them (Confirmation also should be given that copies of the relevant representations to be considered at the Hearing have been received);
 - The Officer of the Licensing Authority, the Committee Administrator and the Legal Advisor to the Hearing Panel;
 - Responsible authorities that have made a relevant representation;
 - Interested parties who have made a relevant representation (Interested parties should confirm whether a spokesperson has been nominated and, if so identify them).
4. The Chairman will ask all parties to the Hearing whether they wish to withdraw their application or representation.
5. The Chairman will ask the Officer of the Licensing Authority to report:
 - Any requests from a party to the Hearing for permission for a witness to appear in support of their representation. Any such requests will be determined by the Hearing Panel.
 - Any documentary or other information that a party to the Hearing wishes to present. If there is any such material, the Chairman will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, the said material may not be distributed unless there are exceptional circumstances which in the Chairman's opinion render it necessary and appropriate for the said material to be presented to the Hearing Panel. In this regard the Chairman's decision will be final.
6. The Chairman will invite the applicant/licensee or his representative to estimate the time required to present their case and ask questions of other parties to the Hearing. He will then ask the other parties to the Hearing whether they will require a longer period to present their representation and question the applicant. The Hearing Panel will determine the maximum period of time allowed for each party to put their case. This decision will be final.

THE HEARING

Immediately the pre-Hearing matters have been dealt with the Hearing will commence.

1. The Chairman will ask the Officer of the Licensing Authority to summarise the matter under consideration.
2. The members of the Hearing Panel, the applicant, and those making representations may ask questions of the Officer of the Licensing Authority.
3. Starting with the applicant or licensee, each party will exercise their rights within the identified maximum time, as follows:
 - Each party to present their case, including responding to any points of which the Licensing Authority has previously given notice, and call any approved witness or witnesses in support of their case.
 - If given permission by the Chairman, and only through the Chairman of the Hearing, each party may raise questions of any other party or witness/witnesses.
4. The applicant/licensee or his representative will be asked to sum up their case.
5. All those present, other than the members of the Hearing Panel, their Legal Advisor and the Committee Administrator, will be asked to leave the meeting to allow Members to determine the application.
6. All parties will be recalled. The Legal Advisor to the Hearing Panel will advise those present of any advice that has been provided during the determination. The Chairman will then:
 - either announce the decision, together with the reasons for it if it is a Hearing in relation to an application for which the Licensing Authority may make its determination at the conclusion of the Hearing;or
 - advise all the parties that the Licensing Authority will make its determination within 5 working days, in which case notification of the determination will be sent out in writing (including the rights of appeal) to all relevant parties not later than 5 working days after the Hearing date.
7. In the event of the Licensing Authority making its determination at the conclusion of the Hearing the Chairman will outline the rights of appeal. The decision and rights of appeal will also be confirmed in writing by the Officer of the Licensing Authority forthwith.
8. Nothing within paragraph 6 above will preclude a Licensing Authority from making its determination at the conclusion of any

Hearing, should the Hearing Panel so decide. It is entirely within the discretion of the Members of the said Panel whose decision in this regard will be final.

C. Other Committees

Overview and Scrutiny Committee Performance and Audit Scrutiny Committee

Details of the functions and procedures of these Committees are set out in Article 7 of this constitution and in the Overview and Scrutiny Procedure Rules.

Joint Committees / Panels:

C. 1 Anglia Revenues and Benefits Partnership Joint Committee

- 1.1 The following of the Council's powers have been delegated to the Anglia Revenues and Benefits Partnership which is a Joint Committee pursuant to Section 101(5) of the Local Government Act 1972 and Section 20(1) of the Local Government Act 2000. The Joint Committee has the power to:
- 1.2 Implement and administer the statutory Council Tax Benefit and Housing Benefit scheme (including the investigation and prosecution of benefit fraud) and the Localised Council Tax Support Scheme,
- 1.3 Determine all applications for Relief from the National Non-Domestic Rate under the terms of the Local Government Finance Act 1988 in accordance with the approved criteria.
- 1.4 Determine all applications arising from the granting of Non-Domestic Rate Discretionary Relief, in respect of the village shop rate relief scheme, under the terms of the Local Government Finance Act 1988.
- 1.5 Determine all applications arising for the granting of non-Domestic Rate Discretionary Relief, in respect of the charity shop rate relief scheme, under the terms of the Local Government Finance Act 1988.
- 1.6 Undertake the relevant consultations with National Non-Domestic Ratepayers under Section 134 of the Local Government Finance Act 1988.
- 1.7 Deal with any applications for relief from National Non-Domestic Rate liability under Section 44 and 45 of the Local Government Finance Act 1988.
- 1.8 Administer all relevant matters in connection with the administration of the Council Tax under the appropriate legislation and any specific determinations made or policies set by the Council in connection with Council Tax administration.
- 1.9 Take all necessary steps in respect of the demand, collection and recovery of business rates.

1.10 The Joint Committee is given power to authorise such officers as it thinks fit and appropriate to act on its behalf in relation to:

- Council Tax matters including billing, collection and recovery.
- Council Tax appeals including appearing at the local valuation tribunal hearings.
- National Non-Domestic Rates including billing, collection, recovery and representation at court and tribunals.
- Benefit Fraud, including its investigation , instructions to prosecute, the imposition of sanctions including penalties and recovery of overpayments
- The Localised Council Tax Support Scheme

C.2 Joint Officer Appeals Committee

1. Membership and Meeting Arrangements

This is a Joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the joint Committee will comprise six Members, three from each Authority. In addition, each Authority will be able to appoint one Substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appointments Committee.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

2. Functions/Remit

To consider appeals against dismissal and grievances by Chief Officers of Forest Heath District Council and St Edmundsbury Borough Council.

C.3 Joint Officer Appointments Committee

1. Membership and Meeting Arrangements

This is a Joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the Joint Committee will comprise six Members, three from each authority. In addition, each Authority will be able to appoint one Substitute Member.

The Committee will be appointed annually by the full Council and will be politically balanced.

Any Member of the Council may serve on the Committee provided that they are not also a Member of the Joint Officer Appeals Committee.

The Committee must also contain at least one Member of the Cabinet.

The Committee will appoint its own Chairman and Vice Chairman.

The Committee will meet on an ad hoc basis as required.

2. Functions/Remit

To deal with the appointment, discipline and termination of employment of Joint Directors of Forest Heath District Council and St Edmundsbury Borough Council.

C.4 West Suffolk Joint Health and Safety Panel

1. Overview

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC).
- 1.2 The Panel will consider both Authorities' health and safety arrangements and provide guidance to support the development of executive action by officers of both authorities, including policy guidance.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding of health and safety matters.
- 1.4 To make recommendations to the Cabinets and/or officers of both authorities about policies and actions required to develop and maintain effective health and safety arrangements.

2. Constitution

- 2.1 The West Suffolk Joint Health and Safety Panel shall comprise 12 Members. Three Councillors from both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC), to be the 'Employers' Side'. Six members of staff from across the two Authorities to be the 'Employees' Side', drawn from the officer Joint Health and Safety Group.
- 2.2 A Substitute Member from each Authority on the Employer's side and two Substitutes from the Employees' Side to provide a total of

six full Members and two Substitute Members on each 'Side' shall be permitted.

- 2.3 It shall be the Health and Safety Manager's duty to attend and advise the Panel.
- 2.4 The Panel shall appoint a Chairman and Vice-Chairman from its Members. When the Chairman is a Member of one side of the Panel, the Vice-Chairman shall be a Member of the other side.
- 2.5 The Panel may invite attendance of any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration.

3. Terms of Reference

- 3.1 The Panel shall keep under review all matters relating to the health, safety and welfare of the Councils' employees, and to the protection of other persons against risks arising out of the work activities of the employees and of persons working under contract.
- 3.2 To review and monitor the Joint Health and Safety Policy and recommend amendments to the Officers and/or Cabinet of both authorities in accordance with their respective schemes of delegation. Specifically, the Panel will work directly with the Health and Safety Manager to review and implement revisions to the operational instructions and annexes contained in Part 5 of the Policy ("Arrangements") under his/her delegated authority to make such changes.
- 3.3 Without prejudice to the foregoing terms, items for particular consideration may include:-
 - (a) the study of accidents and diseases, and in particular those notifiable to the Health and Safety Executive;
 - (b) considering and making recommendations in respect of items submitted by the staff Joint Health and Safety Group;
 - (c) consideration of reports and information from the Inspectors of the Health and Safety Executive;
 - (d) consideration of reports submitted by Safety Representatives;
 - (e) the development of safety procedures and safe systems of work;
 - (f) recommending and monitoring the effectiveness of employee safety training;
 - (g) the presentation of publicity on safety matters; and
 - (h) inspecting or arranging for an inspection of any particular area or activity.

4. Arrangements and Procedures

- 4.1 Meetings shall normally be held three times a year but, exceptionally, the Chairman may decide, after consultation with the

Health and Safety Manager, to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.

- 4.2 Agendas shall be prepared by the Democratic Services Section, after discussion with the Health and Safety Manager, and shall be made available at least five days before the meeting.
- 4.3 The quorum for the Joint Health and Safety Panel shall be four, comprising at least two employee representatives, and two Members, one from each authority.
- 4.4 Voting shall be by a show of hands and simple majority.
- 4.5 The report from the Joint Health and Safety Panel to the respective Cabinets shall be by way of presentation of the minutes or in a format agreed by the Cabinet.

*(*Note: This meeting is not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in the Council. Therefore these meetings are not open to attendance by the public).*

C.5 West Suffolk Joint Staff Consultative Panel

1. Overview

- 1.1 The Panel's membership will be drawn from Councillors and staff of both Forest Heath District Council (FHDC) and St Edmundsbury Borough Council (SEBC). The definition of 'staff' includes all groups of employees covered by the National Joint Council for Local Government Services.
- 1.2 The Panel will consider both Authorities' staffing arrangements and provide a regular forum to secure the largest measure of agreement between the Councils as employers and Trade Union employees regarding matters directly affecting employment by the Councils.
- 1.3 To provide a group of Members who can develop an enhanced level of understanding on staffing matters.
- 1.4 To make recommendations to the Cabinets of both authorities about policies and actions required to develop and maintain effective employee/employer arrangements.

2. Constitution

- 2.1 The Joint Staff Consultative Panel shall comprise 12 Members. Three Councillors from both FHDC and SEBC, which desirably

reflects the political balance of each Council, to be the 'Employers' Side'.

- 2.2 Six members of staff from across the two Authorities to be the 'Employees' Side', nominated by the Trade Unions recognised by the Authorities in accordance with the formula set out below:-
 - (a) employee representatives appointed by each of the Trade Unions recognised by the Authorities should be on a proportional basis to the total number of employees within the individual union compared to the total Trade Union membership; and
 - (b) each Trade Union recognised by the Authority shall have a minimum of one seat.
- 2.3 The Trade Unions recognised by the Authorities shall represent all Council employees. This will include raising issues on behalf of non-Trade Union members, should they be requested.
- 2.4 In the event of any failure to appoint/elect the number of representatives provided for by this Constitution, such failure to appoint/elect shall not invalidate the decisions of the Panel.
- 2.5 Two Substitute Members shall be permitted from each Authority on the 'Employers' Side' and four Substitutes shall be permitted from the 'Employees' Side' to provide a total of six full Members and four substitute Members on each 'Side'.
- 2.6 It shall be the duty of a senior Human Resource Officer to attend and advise the Panel.
- 2.7 The Panel shall elect a Chairman and Vice-Chairman from its Members. When the Chairman is a Member of one Side of the Panel, the Vice-Chairman shall be a Member of the other Side. The Chairman of the Panel shall be rotated on an annual basis between the Employees' and Employers' Side. The Chairman of the meeting shall not have a casting vote.
- 2.8 The Panel may invite attendance by any person whose particular knowledge or experience may assist the Panel in its considerations. Such attendance shall be in a consultative capacity and only for the period during which the relevant subject is under consideration. In addition, the Employee side may arrange for the attendance of a Trade Union official at any meeting of the Panel, subject to the prior agreement of the Chairman and Vice Chairman.

3. Terms of Reference

- 3.1 To establish and maintain methods of negotiation and consultation, to consult on matters affecting the employment of all groups of employees of the Councils, with a genuine commitment to seek consensus and enter into agreements, as appropriate.

- 3.2 These matters may include such subjects as:-
- (a) application or implementation of National Agreements;
 - (b) application or implementation of Local Agreements or local conditions of service;
 - (c) productivity or performance arrangements;
 - (d) issues referred to the Panel by the Trade Unions as provided for by the formal 'Consultation Procedures' (Employment Restructuring & Redundancy);
 - (e) working conditions;
 - (f) welfare and health of employees;
 - (g) personnel procedures including recruitment, sickness, discipline and handling of grievances and redundancies;
 - (h) training & development of employees;
 - (i) equality issues; and
 - (j) any issue referred to the Joint Staff Consultative Panel by the Cabinets.
- 3.3 Issues affecting individuals (eg. pay, discipline) are excluded from consideration unless they represent matters of principle which are of general application to employees.

4. Authority of the Panel

- 4.1 Decisions of the Joint Staff Consultative Panel shall be in accordance with the voting arrangements set out in paragraph 5.4 below and shall be subject to the approval of the Cabinets, as provided for by the Councils' Schemes of Delegation.

5. Arrangements and Procedures

- 5.1 Meetings shall normally be held quarterly but, exceptionally, the Chairman may decide, after consultation with a senior Human Resources Officer to convene an extraordinary meeting at any time or to cancel a scheduled meeting due to lack of business to transact. Meetings to alternate between a venue in SEBC and FHDC or as agreed by the Panel.
- 5.2 Agendas shall be prepared by the appropriate Committee Services Section, after discussion with a senior Human Resources Officer, Chairman and Vice Chairman, and shall be circulated at least five working days before the meeting.
- 5.3 The quorum for the Joint Staff Consultative Panel shall be four, comprising at least two Employee representatives and two Members, one from each Authority.
- 5.4 Voting shall be by a show of hands and simple majority. No motion shall be regarded as carried unless it has been approved by a majority of Employer representatives and a majority of Employee representatives present and voting.

- 5.5 The report from the Joint Staff Consultative Panel to the respective Cabinets shall be by way of presentation of the minutes/draft minutes or by way of a brief report in a format agreed by the Cabinet.
- 5.6 If the Panel is unable to agree and no local settlement can be achieved, the matter may be referred by either side to the Cabinets.

*(*Note: This meeting is not governed by the normal Access to Information rules (The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012) in the Council. Therefore these meetings are not open to attendance by the public).*

C.6 West Suffolk Joint Standards Committee

1. Membership and Meeting Arrangements

This is a Joint Committee between Forest Heath District Council and St Edmundsbury Borough Council. Membership of the Joint Committee will comprise six Members, three appointed by each Authority.

To ensure a wide representation across the Authorities, political balance rules do not apply to this Committee.

2. Functions/Remit

The Joint Standards Committee will have the following roles and functions in respect of both Forest Heath District Council and St Edmundsbury Borough Council:-

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members.
- (b) assisting Councillors and co-opted Members to observe the Members' Code of Conduct.
- (c) advising the Council on the adoption and revision of the Members' Code of Conduct.
- (d) monitoring the operation of the Members' Code of Conduct.
- (e) advising, training or arranging to train Councillors and co-opted Members on matters relating to the Members' Code of Conduct.
- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in Section 34 of the Localism Act 2011.
- (g) considering a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct.
- (h) dealing with a report from the Monitoring Officer in respect of an allegation of a breach of the Members' Code of Conduct of a Town or Parish Council within the District of Forest Heath and the Borough of St Edmundsbury.

The West Suffolk Joint Standards Committee will not cover the conduct of Officers, for which separate provisions apply.

C.7 West Suffolk Joint Independent Remuneration Panel

To make recommendations to Forest Heath District Council and St Edmundsbury Borough Council on Members' Allowances as set out in the Local Authorities (Members' Allowances) (England) Regulations 2003.

To consider the existing scheme of allowances for Members and to prepare a report for submission to the District and Borough Councils recommending a scheme of allowances encompassing:

1. Basic allowance of Members.
2. Special responsibility allowances for Members who have special responsibilities.
3. Travel and subsistence allowances.
4. Child Care and Dependent Carers' allowances.
5. Co-optees allowances.
6. Annual adjustment/increase of allowances.
7. Any other issues that the Panel deem to be appropriate.

In addition, the Panel may wish to consider the following criteria when taking into account the review of the allowances:

1. Comparisons with allowances paid by other Suffolk Authorities.
2. Workload and level of responsibility.
3. Affordability.

Note: The Members' Allowances for both Forest Heath District Council and St Edmundsbury Borough Council to remain as two separate schemes.

Working Group

C.8 Local Plan Working Group

Terms of Reference

1. To consider the appropriate issues and to advise the Cabinet in relation to the Local Plan Review process, with the aim of producing an appropriate Local Plan (and related documentation).

Membership

2. To comprise nine Members – politically balanced.

Forest Heath District Council

Section 3 - Responsibility for Cabinet functions

3.1 Executive functions will be performed by the Cabinet. These functions will be grouped together in the form of Cabinet portfolios, the number and scope of which will be agreed by the Leader. The Leader will also allocate responsibility for the portfolios among the individual Members of the Cabinet, on an annual basis.

3.2 The Cabinet Portfolios and areas of responsibility are as follows:-

Portfolio	Areas of Responsibility
Leader of the Council	<ol style="list-style-type: none"> 1. Leadership and strategic direction of the Council 2. External relations and communications 3. Strategic economic development
Families and Communities	<ol style="list-style-type: none"> 1. Corporate communications 2. Corporate strategy/planning and co-ordination 3. Crime and community safety 4. Customer Services, access and engagement 5. Equalities and diversity 6. Families and Communities 7. Future of public services and service integration 8. Health
Future Governance	<ol style="list-style-type: none"> 1. Civic Office 2. Democratic Services, including: <ul style="list-style-type: none"> - Cabinet management and support - Scrutiny management and support 3. Elections 4. Member Development and Training 5. Implementing a single Council for West Suffolk
Whole Cabinet <i>(with Portfolio Holder for Housing at SEBC being the shared lead Councillor)</i>	<ol style="list-style-type: none"> 1. Choice based lettings 2. Homelessness advice 3. Public health 4. Safeguarding 5. Social care 6. Strategic housing (including private sector housing and DFG policy)

Portfolio	Areas of Responsibility
Leisure and Culture	<ol style="list-style-type: none"> 1. Heritage and culture 2. Parks and open spaces (including trees) 3. Sport
Operations	<ol style="list-style-type: none"> 1. Car parking 2. CCTV 3. Cemeteries 4. Fleet management 5. Grounds maintenance 6. Land drainage 7. Markets (delivery) 8. Operations 9. Property services and estate management 10. Public conveniences 11. Refuse/recycling 12. Street scene 13. Tourism (operations)
Planning and Growth	<ol style="list-style-type: none"> 1. Building control 2. Conservation 3. Development control 4. Economic development 5. Enforcement 6. Environmental health 7. Growth areas and regeneration 8. Licensing 9. Planning policy 10. Rural development 11. Tourism (strategic) 12. Town centres
Resources and Performance	<ol style="list-style-type: none"> 1. Business development/commercial 2. Financial services (including audit) 3. Health and safety 4. Human resources (including payroll) 5. ICT 6. Legal services 7. Performance and risk management 8. Procurement

3.3 Joint Executive Arrangements

3.3.1 The Leader has established joint arrangements with the Leader of St Edmundsbury Borough Council for the discharge of executive functions through the Joint Executive (Cabinet) Committee. All matters which are to be performed by Cabinet as a collective are delegated to the Joint Executive (Cabinet) Committee to exercise, unless either Leader notifies

that the matter or function shall not be delegated to the Joint Executive (Cabinet) Committee to make.

- 3.3.2 The Joint Executive (Cabinet) Committee shall consist of the Leaders and the Portfolio Holders of both Forest Heath District Council and St Edmundsbury Borough Council and shall operate until 1 April 2019.

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Forest Heath District Council

Section 4 - Scheme of Delegation to Officers

A. General

1. This section of the Scheme for the Responsibility for Functions delegates powers and duties of St Edmundsbury Borough Council/Forest Heath District Council to Officers under Section 101 of the Local Government Act 1972, and all other powers enabling delegations, but is not intended to be by way of limitation of the powers provided in that Section.
2. It is also adopted with the intent that it shall lead to a streamlining and simplification of the processes of the Council and, accordingly, it should be interpreted widely rather than narrowly.
3. Where broad functional descriptions are used, the delegations in this scheme should be taken to include powers and duties within all present and future legislation, and all powers incidental to that legislation, including the incidental powers and duties under Section 111 of the Local Government Act 1972.
4. This scheme of delegations shall operate in addition to any previous, or short-term, delegations. Prior to each update of this document, it may also be superseded by revised or new delegations, properly agreed in accordance with the Council's Constitution but not yet incorporated.
5. In this scheme of delegations any reference to a specific Statute, Statutory Instrument, Regulation, Byelaw, Order, or any section, article, paragraph or part thereof, shall be deemed to incorporate reference to any enactment amending, re-enacting, or replacing the same.
6. Any reference to the masculine includes the feminine and vice versa.

Overall Limitations

7. This scheme does not delegate to Officers:-
 - (a) any matter reserved by law to the Council, the Cabinet, a Committee or Sub-Committee of the Council; and
 - (b) any matter which is specifically excluded from delegation by the scheme or by resolution of the Council or Cabinet.
8. Officers may only exercise delegated powers in accordance with:-
 - (a) the Council's Rules of Procedure contained in Part 4 of this Constitution including the Financial Procedure Rules and Contract Procedure Rules;

- (b) all plans, policies, schemes or strategies approved by or on behalf of the Council;
- (c) any statutory restrictions, guidance or statutory code of practice;
- (d) the statutory and local requirements in respect of the taking and recording of Key Decisions;
- (e) the revenue and capital funding for the relevant service as approved by the Council, subject to any variations which are permitted by virtue of the Council's Rules of Procedure; and
- (f) the Council's Equal Opportunities and other policies, procedures, standards and the Local and National Conditions of Service.

Sub-Delegation

9. Any Officer with delegated powers in this scheme is also authorised to further delegate in writing all or any of the delegated functions to other officers (described by name or post) either fully or under the general supervision and control of the delegating officers. Sub-delegations shall be recorded in a register kept by the Monitoring Officer. Administrative functions ancillary to the exercise of delegated powers are deemed to be carried out in the name of the officer exercising the function.

Further Provisions

10. It shall always be open to an Officer not to exercise his or her delegated powers but to refer the matter to the Council, Cabinet, or relevant Committee (as appropriate) for decision.
11. In exercising delegated powers, Officers shall consult other Officers as appropriate and have regard to any advice given. In particular, Officers must have regard to any report by the Head of Paid Service or the Monitoring Officer under Sections 4 and 5 of the Local Government and Housing Act 1989 or of the Chief Finance Officer under Section 114 of the Local Government and Housing Act 1988.
12. In exercising delegated powers, Officers shall consider whether the matter is controversial or significant and if so shall as appropriate consult or inform the relevant Portfolio Holder and/or Ward Member(s).

Delegation in the case of absence or inability to act

13. If the following Officer/s having delegated authority under the Scheme are absent or otherwise unable to exercise their delegation, and there is no other officer to whom the authority has been sub-delegated, these provisions shall apply:

Assistant Director (Resources and Performance) – the Service Manager (Finance and Performance) shall be responsible for the administration of the financial affairs of the Council pursuant to Section

151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Act 1988.

Other Assistant Directors – the powers shall be exercisable by a Director.

Service Managers – the powers shall be exercisable by the relevant Assistant Director.

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B. Budget Setting and Medium-Term Planning, Budget Monitoring and Control and Resource Allocation

1. Budget Setting and Medium-Term Planning

1.1 Overarching Principles

- 1.1.1 The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with priorities and statutory obligations. The budget is the financial expression of the authority's plans and policies.
- 1.1.2 The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans, statutory services and priorities of the Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- 1.1.3 Medium-term financial planning involves a planning cycle in which managers develop their plans. As each year passes, another future year is added to the medium-term plan. This ensures that the authority is always preparing for events in advance. The Medium Term Financial Strategy (MTFS) reflects this forward planning financially.

1.2 Key controls

1.2.1 The key controls for budget setting and medium-term planning are:-

- (a) budget managers are consulted and involved in the preparation of the budgets for which they will be held responsible and accept accountability within delegations set out in the Constitution for their budgets and the level of service to be delivered; and
- (b) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

1.3 Responsibilities

1.3.1 Chief Finance Officer

- (a) Prepare and submit reports on budget prospects as part of the annual financial planning cycle, including resource constraints set by the Government and other external factors. Reports should take account of medium-term prospects, where appropriate. Prepare reports at intervals during the year in specific circumstances, such as prior to approval of additional expenditure and at regular intervals for Performance and Audit Scrutiny Committee.

- (b) Prepare and submit the annual budget to full Council, on the basis of information provided by the Leadership Team and budget holders.
- (c) Advise on the medium-term implications of spending decisions.
- (d) Encourage the best use of resources and value for money by working with the Chief Officers and their staff to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- (e) To advise the full Council in accordance with his or her responsibilities under Section 151 of the Local Government Act 1972.

1.3.2 Assistant Directors

- (a) Prepare budgets on the basis of service priorities and statutory obligations, within the overall context of the Cabinet's agreed priorities.
- (b) Prepare budgets that are consistent with any relevant limits, as part of the authority's annual budget cycle and within guidelines issued by Cabinet (for example relating to the setting of council tax).
- (c) Integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- (d) When drawing up draft budget requirements, have regard to:-
 - (i) spending patterns and pressures revealed through the budget monitoring and budget setting processes;
 - (ii) legal requirements;
 - (iii) policy requirements as defined by the Council in the approved policy framework; and
 - (iv) initiatives already under way.

2. **Budget Monitoring and Control**

2.1 **Overarching Principles**

2.1.1 Budget management ensures that once the budget has been approved by Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers to account for defined elements of the budget.

2.1.2 By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity. The authority itself operates within an annual financial limit, approved when setting the overall budget. To ensure that the authority in total does not overspend, each service is required to manage its own expenditure within the limited budget allocated to it.

2.1.3 For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Assistant Director's scheme of delegation.

2.2 **Key controls**

2.2.1 The key controls for managing and controlling the revenue budget are that:-

- (a) budget managers should be responsible only for income and expenditure that they can influence;
- (b) there is a nominated budget manager for each cost centre heading;
- (c) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities;
- (d) budget managers follow an approved certification process for all expenditure;
- (e) income and expenditure are properly recorded and accounted for; and
- (f) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

2.3 **Responsibilities**

2.3.1 **Chief Finance Officer**

- (a) Establish an appropriate framework of budgetary management and control which ensures that:-
 - (i) budget management is exercised within annual budget limits unless otherwise agreed by an appropriately authorised body or Officer;
 - (ii) each Assistant Director has available timely information on income and expenditure for each budget, which is sufficiently

detailed to enable managers to fulfil their budgetary responsibilities;

- (iii) expenditure is committed only against an approved budget head;
 - (iv) all Officers responsible for committing expenditure comply with relevant guidance, and the financial regulations;
 - (v) each cost centre has a single, named manager, determined by the relevant Chief Officer. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making process that commits expenditure; and
 - (vi) significant variances from approved budgets are investigated and reported by budget managers on a regular basis.
- (b) To administer the authority's scheme of virement.
 - (c) To prepare and submit regular reports to the Cabinet and Performance and Audit Scrutiny Committee on the authority's projected income and expenditure compared with the budget on a regular basis.
 - (d) Where an Assistant Director is unable to balance expenditure and resources within existing approved budgets under his or her control, to submit reports to the Performance and Audit Scrutiny Committee, in consultation with the relevant Chief Officer.

2.3.2 Assistant Directors

- (a) Maintain budgetary control within their responsibility, in adherence to the principles in 2 above, and to ensure that all income and expenditure are promptly and properly recorded and accounted for.
- (b) Ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Head of Service (grouped together in a series of cost centres). As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure.
- (c) Ensure that spending remains within the Service's overall financial limit, and that individual budget heads are not overspent, by monitoring the budget and taking appropriate corrective action where significant variations from the approved budget are forecast.
- (d) Ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively.

- (e) Ensure prior approval by the Cabinet and Council (as appropriate) for new proposals that create financial commitments in future years.
- (f) To ensure compliance with the scheme of virement.
- (g) Agree with the relevant Assistant Director where it appears that a budget proposal, including a virement proposal, may impact materially on another service area or Head of Service level of service activity.

3. Resource Allocation

3.1 Overarching Principles

3.1.1 A mismatch often exists between available resources and required resources. A common scenario is that available resources are not adequate to fulfil need/desire. It is therefore imperative that needs/desires are carefully prioritised and that resources are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.

3.2 Key controls

3.2.1 The key controls for resource allocation are:-

- (a) resources are acquired in accordance with the law and using an approved authorisation process;
- (b) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for;
- (c) resources are securely held for use when required; and
- (d) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

3.3 Responsibilities

3.3.1 Chief Finance Officer

- (a) Advise on methods available for the funding of resources, such as grants from central government and borrowing requirements.
- (b) Assist in the allocation of resources to budget managers.

3.3.2 All Assistant Directors

- (a) Work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.

- (b) Ensure that delegated budgets are appropriately managed in line with the West Suffolk Financial Procedure Rules and other policy requirements.

C. The Chief Executive

The Chief Executive has been appointed the Council's Head of Paid Service.

The following powers and duties are delegated to the Chief Executive. With the exception of (d) below, for which there are separate arrangements, if he or she is absent or otherwise unable to exercise the delegation, they may be exercised by one of the Directors. In the case of (a) below, should the Chief Executive and both Directors be absent or unable to act, the power may be exercised by an Assistant Director.

- (a) Where, in his/her opinion, by reason of limitation of time or urgency, a decision is required on any matter, after such consultation as he/she considers necessary (or as is required by the Council's Budget and Policy Framework Procedure Rules in Part 4 of this Constitution), he/she shall have power to make a decision provided that any such decision shall be reported to the next meeting of the Cabinet, appropriate Committee or Council unless there is a need for confidentiality, in which case the reporting of the decision may be deferred until the need for confidentiality expires.
- (b) To issue and renew authorisations for Officers and appoint Inspectors to enter premises for the purpose of their official duties in pursuance of statutory provisions in that behalf.
- (c) After consultation with the Assistant Director (Human Resources, Legal and Democratic Services) and the Monitoring Officer to make revisions and amendments to the list of Politically Restricted Posts maintained under Section 2 of the Local Government and Housing Act, 1989 and to give Certificates of Opinion in connection with applications for exemption.
- (d) To act as Returning Officer, and any variation thereof as appropriate to different elections, and to appoint from time to time such Deputy Returning Officers as appear necessary for the proper conduct of elections; and to act as the Electoral Registration Officer. In the event that the Chief Executive is absent or incapacitated, the proper officer for the purposes of exercising the functions of the Electoral Registration Officer shall be the Elections Manager.
- (e) Within approved budgets, to determine all fees for functions carried out in respect of electoral registration and elections.
- (f) Update the Strategic Plans at any time with new performance and demographic information, or to reflect formal changes to the Council's policy framework, budgets or other documents in the strategic planning framework.
- (g) To review and update the operational elements of the Equality Framework contained within Sections 2 to 7 as necessary, in consultation with the Portfolio Holder for Performance and Resources (or equivalent).

- (h) In consultation with the Leader and the Assistant Director (Human Resources, Legal and Democratic Services), to designate an Officer of the Council as its Monitoring Officer.
- (i) Update the Strategic Plans at any time with new performance and demographic information, or to reflect formal changes to the Council's policy framework, budgets or other documents in the strategic planning framework.
- (j) Review and update the operational elements of the Quality Framework contained within Section 2 to 7 as necessary, in consultation with the Portfolio Holder for Performance and Resources (or equivalent).

D. All Chief Officers (including Chief Executive)

For the purposes of this section, "Chief Officer" shall be taken to mean the following officers:-

Chief Executive

Directors

Assistant Directors

Monitoring Officer (as required)

1. Where the Council, Cabinet or a Committee has settled the policy and/or budget for a matter or class of matters, each Assistant Director shall be empowered to deal with such matters within the limits of such policy or budget, including the supervision of contracts and works and responding on behalf of the authority to consultation exercises.
2. All Chief Officers also have specific authority:-
 - (a) Provided that it does not constitute a Key Decision (as defined in Article 12 of the Constitution), to undertake virements of up to £50,000 on behalf of the Cabinet in any one case between the budgets under their control, subject to consultation with the relevant Portfolio Holder(s) and the Leader and the Chief Finance Officer; such virements should be non-recurring and must not include asset rental or fixed percentage maintenance budgets, interest income or recharges which have implications elsewhere in the budget, and must be confirmed in writing to the Chief Finance Officer in a format approved by him/her and reported to Performance and Audit Scrutiny Committee via budget monitoring reports.
 - (b) To invite tenders and quotations; and to make exemptions to the Contracts Procedure Rules (in accordance with the requirements of those Rules in respect of exemptions) for the purchase or sale of goods and services relating to matters within their purview.
 - (c) In accordance with approved policies and procedures, within approved budgets and in consultation with the Assistant Director (Human Resources, Legal and Democratic Services):-
 - (i) to make appointments and terminations within their respective establishments, subject to compliance with the appropriate National or Local Scheme of Conditions of Service;
 - (ii) to re-designate posts, as necessary, to meet corporate and service objectives;
 - (iii) to establish externally funded posts or those fully reimbursed through income generation for the duration of the funding;

- (d) To take such action as they consider necessary, in respect of grievance and disciplinary procedures, but, in the case of dismissal only, subject to the agreement of the Assistant Director (Human Resources, Legal and Democratic Services).
 - (e) To attend and to authorise the attendance of staff at meetings, conferences and seminars; and, within the approved departmental estimates and after consultation with the Learning and Development Advisor (HR) to approve training/study courses and day release for study purposes delivered through the Corporate Training Plan.
 - (f) Where they are responsible for the provision of an in-house service, to be responsible for deciding whether work related to that service should be contracted out.
 - (g) To appoint consultants within budgetary limits and constitutional and contract procedure rules in consultation with the Assistant Director (Human Resources, Legal and Democratic Services), subject to the West Suffolk Contract Procedure Rules as applicable.
 - (h) Following such consultation as they consider appropriate, to vary the hours or days during which buildings or services are to be available to the public.
 - (i) Within existing budget allocations and policies, to determine any applications for grants, contributions and subscriptions to voluntary and other organisations not already covered by specific delegations in this scheme, up to a maximum of £10,000 in any one case and subject to consultation with the relevant Portfolio Holder(s).
 - (j) To approve supplementary estimates by drawing on any working balances allocated to their control up to a limit of £5,000 in each case, following consultation with the Chief Finance Officer and the relevant Portfolio Holder(s) (or Committee Chairman in the case of any budget allocated to the control of a Committee). Any notifications to or consultations with the Chief Finance Officer and Portfolio Holders are to be made or confirmed in writing.
3. The Chief Officer, or his nominated representative(s), shall have the power to negotiate sponsorship initiatives in accordance with the Sponsorship Policy. Upon successful completion of negotiations there shall be a written contract entered into after consultation with the Service Manager (Shared Legal).
4. Chief Officers of support services are authorised to utilise credit balances on support service accounts as follows:-
- (a) to correct or adjust charges made to in-house client departments; and

- (b) to acquire occasional goods and services to facilitate provision of the support service without making a charge to in-house client departments, subject to all such transactions being confirmed in writing to the Chief Finance Officer, following initial consultation; and the Chief Finance Officer having delegated authority to make and amend a scheme governing such transactions should s/he consider it necessary.
5. Chief Officers, in consultation with the Chief Finance Officer, are authorised to utilise credit balances on the reserve accounts within their area of responsibility to finance expenditure relating to the purpose of the reserve.
 6. Chief Officers are authorised to produce short annual Business Plans in consultation with the relevant Portfolio Holders using the approved format and to publish them on the Council's website/intranet.
 7. To receive expressions of interest under the provisions in Chapter 2, Part 5 of the Localism Act 2011 and described in the Community Right to Challenge (Fire and Rescue Authorities and Rejection of Expressions of Interest) (England) Regulations 2012 and the Community Right to Challenge (Expressions of Interest and Excluded Services) (England) Regulations 2012.
 8. Following consultation with the relevant Portfolio Holder(s), to make any minor typographical, grammatical, factual or contextual changes to any policies or strategies approved through Cabinet or full Council, provided they do not materially affect the meaning of the document.
 9. Notwithstanding the previous paragraphs Directors and the Chief Executive shall have the power to stand in for Assistant Directors in relation to other issues not specified including:
 - SIRO
 - Emergency Planning
 - Health & Safety
 - Sports Centres
 - Arts

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Scheme of Delegation to Officers

Assistant Director (Families and Communities)

(a) Counter Terrorism and Security Act 2015 - Prevent duty

In accordance with Section 26 of the Act and the duty on Local Authorities in the exercise of their functions to have regard to the need to prevent people from being drawn into terrorism.

Enforcement of the duty will be inspected by the Home Office who will:

- Oversee compliance – there is an expectation that local authorities will maintain appropriate records to show compliance with their responsibilities and provide reports when requested.
 - Scrutinise action plans and project impact
 - Identify any gaps and request that remedial work is undertaken with Local authority peers to provide targeted assistance and help authorities develop good practice
 - Gather data from specified authorities
 - Issue direct guidance if there is non-compliance with the duty.
1. To prepare and maintain the Action plan on behalf of the Council to ensure it includes the following:
 - Partnership working
 - Risk assessment
 - Staff training
 - Collaboration in two tier local authorities
 2. To ensure that there is compliance on the part of the Council's duties to prevent a serious case review and direct interventions from the Home Office.

(b) Localism Act

1. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012 and other updated legislation in that regard.

(c) The Anti-Social Behaviour, Crime and Policing Act 2014

1. To ensure the Council implements the requirement to hold ASB case reviews, known as 'community trigger'. The trigger introduces a right for victims or victims' representatives to ask local agencies to review how they have responded to previous ASB complains and consider what further action might be taken where behaviour persists.
2. To use discretion to deal with the preparation of 'Closure Orders' which could be used to close a premises temporarily, for up to six months.

3. To use discretion to deal with 'Public Spaces Protection Orders' to deal with anti-social behaviour in a public place to apply restrictions to how that public space can be used.
4. To use discretion to deal with 'Crime Prevention Injunction Order' in consultation with the Monitoring Officer where the circumstances demand. (Injunctions of this type would also have prohibitions and support attached, and a range of civil sanctions for breach.)
5. To use discretion to deal with 'Community Protection Notices' to deal with particular problems which negatively affect the community's quality of life, including directing the person responsible to stop causing the nuisance and/or require them to 'make good'.

(d) Housing

1. Determine applications for homeless persons under the Housing Act 1996 as amended by the Homelessness Act 2002 and procure and/or manage temporary accommodation in support of the homeless function.
2. Administer the Housing Register and nominate applicants to properties owned by Registered Providers (RPs) in line with the approved Allocation Scheme.
3. Where appropriate, write-off rent and rent deposit arrears up to a maximum sum specified by the Assistant Director (Resources and Performance).

The Assistant Director (Families and Communities) makes the following sub-delegations to Officers:

(I) Sub-delegations to be exercised by officers in addition to the Assistant Director (Families and Communities):

1. Service Manager (Housing Options)

- (a) Determine applications for homeless persons under the Housing Act 1996 as amended by the Homelessness Act 2002 and procure and/or manage temporary accommodation in support of the homeless function.
- (b) Administer the Housing Register and nominate applicants to properties owned by Registered Providers (RPs) in line with the approved Allocation Scheme.
- (d) Where appropriate, write-off rent and rent deposit arrears up to a maximum sum specified by the Assistant Director (Resources and Performance).

(e) Other issues

1. To administer the Rural Initiatives Fund in accordance with the agreed procedure.
2. To be responsible for administration of the Transparency Rules and Regulations.
3. To have responsibility for the preparation and maintenance of the Council's Publicity Protocol.

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Scheme of Delegation to Officers

Assistant Director (Growth)

(1) Housing

1. Determine levels of housing need, advise RPs and developers accordingly and pay capital grants to RPs to support development schemes within the Council's approved capital programme.

The Assistant Director (Growth) makes the following sub-delegations to Officers:

(I) Sub-delegations to be exercised by officers *in addition* to the Assistant Director (Growth):

1. Service Manager (Strategic Housing)

- (a) Determine levels of housing need, advise RPs and developers accordingly and pay capital grants to RPs to support development schemes within the Council's approved Capital Programme.

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Scheme of Delegation to Officers

Assistant Director (Human Resources, Legal and Democratic Services)

(a) Assistant Director (Human Resources, Legal and Democratic Services)

1. To act generally on all human resources issues, including representing the Council before external bodies.
2. In consultation with the relevant Assistant Director, to approve the grading of all posts and changes to the staffing establishment within agreed budgets or when the additional expenditure is funded from specific grants or other earmarked external sources of funding so that there will be no additional costs borne by the Council.
3. Within existing budgets, policies and agreements, and in consultation with the relevant Assistant Director to determine or approve matters relating to the terms, conditions or benefits of individual members of staff, including car allowances and minor changes to the scheme of relocation grants to secure the recruitment of key workers.
4. In accordance with approved Policies and Procedures, within approved budgets and in consultation with the relevant Assistant Director, to establish temporary posts to respond to peaks in workloads, cover for long-term sickness and maternity leave for periods of up to two years.
5. To delete posts on grounds of compulsory redundancy, when it is in the financial interests of the Council and/or where a post is redundant as defined in the Employment Rights Act 1996, subject to consultation with appropriate unions.
6. Within the terms of "Voluntary Early Retirement – General Scheme" to approve applications for early retirement, with the agreement of the relevant Assistant Director and Chief Finance Officer, subject to such applications being in the financial interest of the Council.
7. To amend Human Resources Policies to incorporate statutory requirements and as recommended in ACAS Codes of Practice in consultation with the Portfolio Holder and Trade Unions subject to being within agreed budget.
8. To implement alterations to conditions of service except where the terms thereof involve the exercise of a discretion by the Council.
9. To undertake consultations, negotiations and discussions with Trade Unions and where applicable Joint Staff Consultative panel on strategic and policy matters.

10. To manage and operate the Job Evaluation Scheme, including appeals.
11. To approve, and renew, short term honorarium payments within existing budgets, following consultation with the relevant Assistant Director.
12. To approve incremental advancement in accordance with the Councils PDR scheme or on the basis of sound conclusion that an incremental award is appropriate within existing policies and with consultation with the Assistant Director.
13. In respect of employees of the Authority, to act as the Council's Proper Officer in relation to the statutory provisions for criminal records and asylum and immigration.
14. To pay salary awards except where the terms thereof involve the exercise of a discretion by the Council.

(b) Specified Officers

1. Service Manager (Health and Safety)

1. To implement any recommendations of the West Suffolk Joint Health and Safety Panel in respect of amendments and additions to Part 5 (Arrangements) of the Joint Health and Safety Policy.

2. Service Manager (Shared Legal)

1. To act generally as the senior Lawyer to the Council and to be responsible for legal advice provided to the Council.
2. To institute, prosecute, defend arrange for representation and appear in all actions, cases, matters and proceedings of whatsoever nature in any Court of Law and to act, as such, in all proceedings, in the Lands and other Tribunals, all manner of arbitrations and Ministerial Inquiries and to compromise any legal proceedings which have started.
3. To seek injunctive relief with respect to Pay Parties and to sub-delegate this power to qualified lawyers in Legal Services in cases of urgency.
4. Authority to make, execute or attest all documents, deeds, contracts, instruments and notices for or on behalf of the Council in the absence of delegation to the contrary or in circumstances where the Officer to whom specific delegation has been given is absent or otherwise unavailable or unable to act.

5. Notwithstanding any other delegated authorities to specified officers elsewhere in this scheme, to authorise prosecutions and institute proceedings including the issue of a formal caution under any applicable statute, after consultation with the relevant Assistant Director.
6. To open tenders and quotations and, provided the total cost is within the approved estimate and any cost guideline, accept, after such consultation as is considered necessary:-
 - (a) the lowest with respect to the purchase of goods and services;
 - (b) the highest with respect to the sale of interests in land.
7. To accept, after such consultation as is considered necessary, tenders and quotations for contracts which, following negotiation, have been revised so that the total cost of the contract is within the approved estimate for the purchase of the goods and/or services in question, provided that the tender or quotation would otherwise have met the requirements of the Council's Contract Procedure Rules.
8. To deal with requests for assistance towards litigation costs from other Councils and those made by this Council after consultation with the Chief Finance Officer and the relevant Assistant Director.
9. To institute legal proceedings and take any other action necessary, under the Crime and Disorder Act, 1998.
10. To serve notices on business tenants and take any necessary action pursuant to the Landlord and Tenant Act 1954 to preserve the Council's position.
11. To institute proceedings for possession of land or property.
12. To institute proceedings for repossession of property in mortgage to the Council including the recovery of outstanding arrears.
13. To determine, in accordance with National Guidelines and the Rehabilitation of Offenders Act 1974, which convictions (if any) of an applicant for:-
 - (a) a Hackney Carriage or Private Hire Driver's Licence;
 - (b) a Motor Salvage Operator's Registration; and
 - (c) licences issued under the Licensing Act 2003

should be disregarded when determining such applications and which convictions (if any) should be removed from the record to be put before the relevant decision-making body.

14. To make a complaint to Magistrates for a Removal Order under Section 78 of the Criminal Justice and Public Order Act 1994.
15. To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £50,000 after consultation with the Chief Finance Officer, the relevant Assistant Director and the relevant Portfolio Holder.
16. To act for the protection of village greens and commons including the authorisation and institution of proceedings to protect village greens and commons.
17. To make all Public Path Orders where, following the usual informal consultation, there are no unresolved objections. In the event of there being objections which cannot be resolved, applications for Public Path Orders are to be referred to the Licensing and Regulatory Committee for decision.
18. To confirm as unopposed all Public Path Orders subject to there being no unresolved objections following formal consultation and advertisement. In the event of there being objections which remain unresolved, the orders shall be submitted to the Secretary of State for confirmation.
19. To make all Traffic Regulation Orders under the Traffic Regulation Acts and any other applicable legislation where, following appropriate consultations, there are no unresolved objections. In the event of there being objections which cannot be resolved, the proposal for the Traffic Regulation Orders shall be referred to the Licensing and Regulatory Committee for decision.
20. To make observations on and objections to applications to the Traffic Commissioner in relation to Goods Vehicle Licensing.
21. To institute proceedings for the recovery of debts.
22. To approve terms and conditions of agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 regulating the development or use of land, in consultation with the Head of Planning and Regulatory.

23. To prepare and issue reports under Step 2 of the Council's Complaints Procedure and to reply to complaints referred to the Council by the Local Government Ombudsman.
24. To assume responsibility for general oversight of covert surveillance operations and be pro-active to ensure that reviews and cancellations are dealt with promptly.
25. To administer the procedures and exercise the Council's powers and responsibilities under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004.
26. To fix the level of fees chargeable under the provisions of the Local Government (Access to Information) Act 1985 (after consultation with the Chief Finance Officer).
27. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012.
28. To negotiate and settle miscellaneous disputes not covered by any statutory or contractual procedure and where no insurance implication exists up to a limit of £500 after consultation with the Chief Finance Officer and the relevant Assistant Director.
29. To determine applications for the making of Traffic Orders under Section 21 of the Town Police Clauses Act, 1847 relating to the temporary closure of roads after such consultations as considered necessary with the Assistant Director (Operations).
30. The functions of determining applications for certificates of lawful existing and proposed uses or development, in accordance with the provisions of Sections 191 and 192 of the Town and Country Planning Act 1990 (as amended).
31. To serve Listed Building Enforcement Notices, Urgent Repair Notices and Urgent Works Notices in respect of Listed Buildings, and Building Preservation Notices for unlisted buildings pursuant to the Planning (Listed Buildings and Conservation Areas) Act 1990 after consultation with the Head of Planning and Regulatory.
32. To serve Enforcement Notices and, if the Head of Planning and Regulatory is satisfied that the Notice has been complied with, to withdraw such Notices.
33. To serve Discontinuance Notices relating to advertisements.

34. To make the following Orders after consultation with the Head of Planning and Regulatory where they are unopposed and compensation is not payable:-
 - (a) for the revocation or modification of Planning Permission;
 - (b) requiring the discontinuance of use or alterations or removal of buildings or works.
35. To authorise the issue of and to serve Stop Notices after such consultation as is considered necessary.
36. To issue and serve notices in respect of land, the condition of which, adversely affects the amenity of an area in accordance with the provisions of Section 215 of the Town and Country Planning Act 1990 (as amended).
37. To issue and serve Completion Notices in accordance with the provisions of Section 94 of the Town and Country Planning Act 1990 (as amended).
38. After consultation with the Head of Planning and Regulatory to make, vary, allow to lapse and/or revoke Tree Preservation Orders (including the making provisional orders under Section 201 of the Town and Country Planning Act 1990) and to confirm (with or without modification) unopposed Tree Preservation Orders (including, in each instance, the service of the necessary Notices).
39. To make and serve Notices that buildings have been added to, or deleted from, the List of Buildings of Special Architectural or Historical Interest by the Secretary of State, or that the Secretary of State has amended such listings.
40. To serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
41. Be authorised to, where appropriate, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence following an unit vehicle notice in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions Act 1976).

3. Lawyers

1. All Lawyers in the Legal Team to appear in any action, case, matter or proceedings as an advocate for the Council (so far as the Rights of Audience will allow) and any Trainee Solicitor to represent the Council in the County Court in respect of

interlocutory applications and small claims procedure and in the Magistrates' Court in respect of prosecutions resulting from contraventions of the Parking Places Orders and other procedural matters as required by the Service Manager (Shared Legal).

2. As well as the Service Manager (Shared Legal), all Lawyers to decide which convictions (if any) of an applicant for a hackney carriage, private hire driver's licence, a motor salvage operator's registration or Licences issued under the Licensing Act 2003, should be removed from the record to be put before the relevant decision-making body.

4. Service Manager (Democratic Services and Monitoring Officer)

1. To act as the Monitoring Officer of the Council (under the terms of the Local Government and Housing Act 1989, Local Government Act 2000, Part 10 of the Local Government and Public Involvement in Health Act 2007 and Localism Act 2011 and as defined in the Articles and Rules of Procedure of this Constitution) and generally as the Proper Officer of the Council, particularly in relation to the Council's decision-making processes and this Constitution, unless, in the case of the latter role, the Council has provided otherwise in specific cases, and to be responsible for advising the Council on its procedural and administrative affairs.
2. To approve attendance of Members serving on Outside Bodies as an approved duty where appropriate.
3. To approve, as an approved duty, after such consultation as considered necessary, attendance by Members at a meeting, provided that the meeting complies with The Local Government (Committees and Political Groups) Regulations 1990.
4. To record the Members appointed to Committees in accordance with the political group representation on the Council as required by the Local Government (Committees and Political Groups) Regulations 1990.
5. When necessary, to appoint and re-appoint Members to serve on Committees, Sub-Committees, Working Parties, Panels and Review Groups (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations of the political groups on the Council) and to convene meetings thereof.
6. To appoint and re-appoint Members to serve on the Mayoral Advisory Committee (in accordance with the Political Balance Regulations and on the basis of the appropriate nominations

of the political groups on the Council) and to convene meetings thereof.

7. To appoint a Joint Panel of four Councillors to advise on the appointment, and terms and conditions, of members of the Independent Remuneration Panel in accordance with the nominations of the leaders of political groups on the Council.
8. To seek candidates for the Independent Remuneration Panel and, in consultation with the Councillor Panel, to determine its terms and conditions and to make appointments thereto.
9. In consultation with the Chairman of the Democratic Renewal Working Party, to make minor amendments and additions to the Mayoralty Protocol as necessary from time to time.

5. Elections Manager

1. On behalf of the Chief Executive (or any other person appointed as Returning Officer or Acting Returning Officer), to deal with all matters concerning elections and electoral registration, (except the determination of electoral registration and election fees) and, prior to the adoption by the Council of draft or final recommendations/proposals, to deal with all matters concerning electoral, boundary and parish reviews.
2. To make Removal of Difficulty Orders pursuant to the Representation of the People Act, 1983 following consultation with the Borough Councillor(s) for that Ward.

Scheme of Delegation to Officers

Assistant Director (Operations)

All of the following powers and duties are delegated to the Assistant Director (Operations), as well as to the specified Officers:

(a) All Operations Service Managers Waste and Street Scene - Business, Waste and Street Scene – Operations, Property Services and Estate Management, Leisure and Culture - Operations)

1. To sign contracts pursuant to the Local Authorities (Goods and Services) Act 1970 or any other related or amending legislation.

(b) Service Manager (Waste and Street Scene - Business)

2. To determine, as part of budget consultation with the Assistant Director (Resources and Performance), an appropriate scale of charges for trade refuse to reflect the actual average costs of collection, disposal, administration and the prices charged by local companies with which we are in competition.
3. To serve Litter Abatement Notices and Street Litter Control Notices, in appropriate cases, under Section 92 of the Environmental Protection Act 1990.
4. To negotiate and agree an appropriate level of recycling credit to reflect the actual saving on waste collection and waste disposal and average costs of administration.
5. To serve Fixed Penalty Notices under Section 88 of the Environmental Protection Act 1990.
6. To negotiate and determine charges for materials collected at the recycling centres.
7. To set the charges for replacement wheeled bins.
8. To exercise the Council's functions and duties pursuant to the Refuse Disposal (Amenity) Act 1978; including the service of Notices relating to the removal of abandoned vehicles.
9. To serve a Graffiti Removal Notice upon any person responsible for a defaced surface requiring the defacement to be removed, under Section 49 of the Anti-Social Behaviour Crime and Policing Act 2014.
10. To seek to recover from the person on whom a Graffiti Removal Notice was served expenditure reasonably incurred in exercising the remedying of the defacement.

11. Where appropriate, to impose fixed penalties on those responsible for a relevant offence falling under Section 132 of the Highways Act 1980 or Section 224(3) of the Town and Country Planning Act 1990.
12. To set and review the fee to be paid to a private contractor for the collection of abandoned vehicles in accordance with the budget.
13. To charge the sum for the removal, storage and disposal of abandoned vehicles, as prescribed by the appropriate Regulations where the owner of a vehicle is known.
14. To review on an annual basis the costs of supplying sacks and the charge for emptying a bin in accordance with the budget.
15. To take enforcement action under Section 46 of the Environmental Protection Act 1990, against householders who repeatedly contaminate their blue bin.

(c) Service Manager (Waste and Street Scene - Business) and the Fleet and Technical Manager

16. To give advice to client departments on the purchase of vehicles and plant.
17. To purchase vehicles and plant from the Vehicles and Plant Renewals Provision up to a maximum of £175,000 per item.

(d) Service Manager (Operations - Waste and Street Scene)

18. To manage the Council's Trade, Refuse and Recycling collection services, Cleansing, Bulky and bin delivery services.
19. To manage the Council's Grounds Maintenance and Tree services in accordance with the relevant Service Level Agreements.
20. To ensure frontline staff comply with Health and Safety Regulations.
21. To manage the Council's Provisions Markets, within the Market Licence Regulations, byelaws and business plan, including the grant of licences and permissions to trade. Review fees and charges in consultation with the Assistant Director (Operations) and markets traders, to determine the charges to be levied.

(e) Service Manager (Property Services and Estate Management)

22. To approve expenditure from a building repairs reserve working balance (if any) for urgent repair work after consultation with the Chief Finance Officer.
23. To submit applications for planning permission.

24. To carry out all consultations in relation to the naming and renaming of streets and public buildings in accordance with the West Suffolk Procedure (<http://www.westsuffolk.gov.uk/planning/upload/Street-Naming-and-Numbering-Procedures.pdf>)
25. To review the service charges relating to the CCTV system, on an annual basis, to reflect the actual cost of providing the control room service and the prices charged by other organisations that are in competition.
26. To approve the temporary restrictions of traffic or closure of highways and the making of the necessary orders and to sign notices required to implement such restrictions as a matter of urgency.
27. To authorise entry on the Council's landholdings for works pursuant to the Land Drainage Act 1976.
28. To make submissions to the relevant Government Department in connection with asset management planning.
29. To approve, after such consultation as considered necessary, the grant, renewal or variation of leases and grant of wayleaves over £50,000 annual value per transaction and the terms and conditions of sales, purchases, leases and other transactions relating to the Council's landholdings.
30. To approve the grant, renewal or variation of leases and grant of wayleaves and the terms of other transactions relating to the Council's landholdings up to £50,000 (annual value per transaction).
31. To approve terms and conditions of miscellaneous agreements relating to the Council's landholdings, including the grant of Wayleaves or Easements to statutory undertakers, after consultation with the relevant Assistant Director where appropriate.
32. To dispose of open space land in accordance with the Council's policy.
33. To approve as Estate Owner designs and site layouts of residential and industrial proposals on Council owned development land.
32. Manage in accordance with approved budgets and policies the maintenance, improvement and repair of the Council's housing properties.

(f) Service Manager (Property Services and Estate Management) and the Car Park Services Manager

34. To deal with day to day management of the Council's Car Parks including enforcement of the traffic orders and, after consultation with the Portfolio Holder and Assistant Director (Resources and Performance), to determine all parking fees and excess charges to be levied.
35. To set the annual level of charge for residents' parking permits for those householders where a charge is levied, in consultation with Suffolk County Council Highways, Assistant Director (Resources and Performance), the Local County Division Member and the Local Ward Member(s).
36. To carry out all consultations in relation to Traffic Regulation Orders (TROs) and speed limit orders on the Council's landholdings and respond on behalf of the Council to on-street TROs.
37. To issue permits in relation to Traffic Regulation Orders (TROs).

(g) Service Manager (Operations - Leisure and Culture)

38. In consultation with the relevant Portfolio Holder and the Assistant Director (Resources and Performance), to review and amend the policy framework for the hiring of, and charging, catering and contracting at, the Council's public halls and ticket pricing for its arts programming (including the Bury St Edmunds Festival), within existing Financial and Contract Procedure Rules.
39. To use income from the Gershom Parkington Bequest for the acquisition of appropriate additions to, and the maintenance of, the museum collection after such consultation as he considers necessary.
40. To purchase exhibits in consultation with the Assistant Director (Resources and Performance) for the museums from provisions set up for the purpose.
41. To make arrangements for the provision of entertainments subject to any limitations imposed by the Cabinet and after consultation with relevant Assistant Directors.
42. To dispose of items in accordance with Guideline 181 of the Museums and Galleries Registration Scheme for Museums in the United Kingdom.
43. To manage, maintain and control sports grounds, sports centres, parks, open spaces, cemeteries, disused churchyards and allotments in accordance with the agreed property strategy.

44. To liaise with the Abbeycroft Leisure Trust, and in consultation with the Assistant Director (Resources and Performance), in respect of the scale of charges for admission to the Leisure Centres and associated facilities necessary to achieve the Council's Corporate Leisure, Sport and Health Objectives.
45. To set and adjust, after consultation with the Assistant Director (Resources and Performance), the charges for use of sports pitches in line with market forces and within the approved annual guide to the level of income.
46. To set and adjust, after consultation with the Assistant Director (Resources and Performance), the scale of cemetery charges.
47. To set and adjust, after consultation with the Assistant Director (Resources and Performance), the charges for tours and payments to guides in respect of the Bury St. Edmunds "Blue Badge" Guide Scheme.
48. To adjust fees, charges and hours of opening of the Council's Museums and related facilities, in consultation with the Assistant Director (Resources and Performance).
49. To approve terms and conditions of loans and gifts of works of art and museum exhibits.
50. To amend stockholding levels in consultation with the Assistant Director (Resources and Performance).
51. With regard to Play Schemes, subject to a report being submitted to the subsequent meeting of the Cabinet:
 - (i) to accept, in appropriate circumstances, tenders other than the lowest; and
 - (ii) by negotiation, to omit from a successful tender scheme discretionary items above the minimum specified and substitute other equipment, provided the submitted tender price is not exceeded.
52. To deal with day to day management of Shopmobility.
53. To discharge the relevant duties under the Localism Act 2011 relating to the Assets of Community Value (England) Regulations 2012.

(h) Service Manager (Operations - Leisure and Culture) and the Entertainment and Events Manager

54. In accordance with the Council's Financial and Contract Procedure Rules, to interpret and implement the Council's agreed policy framework (and to review, amend and implement operational policies and procedures) for:

- (a) catering; and
- (b) charging, hiring, contracting and ticketing.

at each of its public halls, and for its arts programming generally, in order to:

- (i) deliver the agreed objectives and financial targets of the public halls;
 - (ii) achieve best value for local taxpayers and maintain the competitiveness of the public halls and the Council's arts programming;
 - (iii) maintain the good reputation of the Council and help deliver its policy objectives;
 - (iv) maximise the standards and consistency of service received by users of the public halls; and
 - (v) reflect current and emerging practice in the public halls and arts markets.
55. To sign artists' agreements for all of the Council's arts programming (including festivals), subject to consultation with the Service Manager (Shared Legal) in respect of any agreement which is created by the artist or the artist's agents.
56. To interpret and implement the Council's agreed policies for charging, contracting and ticketing in relation to the Bury St Edmunds Festival and for any other arts programming arranged by the Council.
57. To sign artists' agreements for all of the Council's arts programming (including festivals), subject to consultation with the Assistant Director (Human Resources, Legal and Democratic Services) in respect of any agreement which is created by the artist or the artist's agents.

Enforcement

58. In accordance with the following Acts, as amended by the Clean Neighbourhoods and Environment Act 2005:
- (a) Environmental Protection Act 1990 [Section 88(1)]
 - (b) Anti-Social Behaviour Act 2003 [Section 43]
 - (c) Anti-Social Behaviour Act 2003 [Section 43]
 - (d) Clean Neighbourhoods and Environment Act 2005 [Section 59]
 - (e) Dogs (Fouling of Land) Act 1996

The following suitably trained officers are authorised to issue fixed penalty notices:-

- Car Parks Manager
- Assistant Parking Services Manager
- Car Park Attendants
- Markets Supervisor
- Markets Officers
- Parks Manager
- Parks Development Manager
- Parks Development Officer
- Park Keepers
- Rangers
- Heritage Manager
- Heritage Officers
- Assistant Operations Managers
- Waste and Street Scene Enforcement Officers
- Waste and Street Scene Advisors
- Waste Development Officers
- Waste Strategy Officers

59. The following posts be authorised to inspect, test and where appropriate issue unfit vehicle notices, which may include a suspension of the vehicle under s.68 of the Local Government (Miscellaneous Provisions) Act 1976:-

- Fleet and Technical Manager
- Assistant Fleet Manager
- Fleet Workshop Manager
- HGV Vehicle Fitters

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Scheme of Delegation to Officers

Assistant Director (Planning and Regulatory)

(1) Planning and Development Matters

To discharge the Council's functions, powers and duties under the following Acts, Directives and Regulations, together with any relevant current legislation being in force.

Determination of Applications

1. Subject to the Delegation Panel Scheme, to determine planning applications and allied matters under the Town and Country Planning Act 1990 relating to the proper planning of the District in accordance with the written and approved policies of the Council as Local Planning Authority.

For the purpose of 1. above, 'planning and allied matters' relate to:

- All outline and full applications
- Submission of details
- Conversions and change of use
- Non material amendment and variations to permission and consents previously granted
- Installation of underground petroleum storage tanks, overhead electricity lines, equipment structures required by statutory undertakers and telecommunications,
- Display of advertisement under the Town and Country Planning (Control of Advertisement) (England) Regulations 2007 (as amended)
- Applications for the renewal of permission and consents
- Listed Building Consent applications , including referral to the Secretary of State of applications submitted by the Council
- Development under Regulation 3 or 4 of the Town & Country General Regulations 1992 (including applications made by the County Council).
- Validate and determine applications for Planning (Hazardous Substances) Regulations 2015, or any subsequent Regulations made under the Planning (Hazardous Substances) Act 1990.
- Certificates of Lawfulness for general works and to Listed Buildings
- Conservation of Habitats and Species Regulations (2010); Conservation of Habitats and Species (Amendment) Regulations 2012 and Regulation 63 of the Conservation of Habitats and Species Regulations (2017) in relation to Habitat Regulations Assessments

Prior Approval Process

2. To give notice in respect of all prior approval processes under the Town and Country Planning (General Permitted Development) (England) Order 2015 and any subsequent amendments or re-enactments thereof and to grant or refuse prior approval on behalf of the Local Planning Authority in respect of any prior approval process in cases where the developer has been given notice that such prior approval is required.

Certificates of Lawful Use

3. To issue certificates under Section 191 or 192 of the Town and Country Planning Act 1990 (as amended), after consultation with the Service Manager (Shared Legal).

Issuing Notices

4. To issue all notices including reasons for refusal and imposition of conditions in respect of planning, listed building, tree preservation orders, advertisement applications and trees in conservation area notifications, hedgerow notifications and applications for prior approval under the provisions of the Town and Country Planning (General Permitted Development) Orders.

Conditions

5. To determine:
 - (a) the conditions to be imposed on any grant of planning permission or similar consent; and
 - (b) whether a Planning Obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and any subsequent amendments to such legislation is required in respect of any planning application and to authorise the Service Manager (Shared Legal) to secure such Obligation.
6. To formulate conditions and reasons for refusal, the substance of which has been determined by the Development Control Committee.

Neighbouring Authorities

7. To make representations to another Authority concerning planning applications within that Authority's area.

County Matters

8. To comment upon development proposals of the Suffolk County Council and other public bodies unless such an application is a

proposal judged by the Assistant Director (Planning and Regulatory) (after consultation with the Chairman and/or Vice Chairman of the Development Control Committee) to be of such district-wide significance or to be so contentious that it should in the public interest be referred to the Development Control Committee for consideration and determination.

9. To declare any particular planning application to be a County matter.

Trees

10. To make Provisional Tree Preservation Orders, and confirm such orders in the event of no representation being received. Where representations are received, to refer the matter to the next available meeting of Committee for consideration.
11. To determine applications for works relating to trees which are in a Conservation Area or the subject of a Tree Preservation Order, including emergency works and proposals for the lopping, topping, felling or replacement of such trees (including authorising works to such trees on land in the Council's ownership).
12. To deal with applications for the felling of Trees in Conservation Areas under Section 211 of the Town and Country Planning Act 1990 where objections are received and the timetable for reporting the matter to the Development Control Committee prevent them being determined by the Committee within the statutory 6 week period.
13. To determine notices for the removal of hedgerows under the Hedgerows Regulations 1997.
14. As well as the Assistant Director (Planning and Regulatory), the Service Manager (Development Management), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, together with the Principal Planning Enforcement Officer, Principal Conservation Officer, Ecology Tree and Landscape Officer, to give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with Regulation 63 of the Conservation of Habitats and Species Regulations (2017) in relation to Habitat Regulations Assessments.
15. In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations may be exercised by the Principal Enforcement Officer, the Ecology Tree and Landscape Officer and the Tree Officer, in respect of Part 8 of the Anti-Social Behaviour Act 2003 with reference to High Hedges:-
 - (i) to serve High Hedge enforcement notices where determinations have not been complied with;

- (ii) to enter land in the course of dealing with complaints, appeals and enforcement;
- (iii) to prepare and deliver the Council's case where an appeal against a determination has been lodged; and
- (iv) to determine a complaint and to issue a decision.

Appeals

The delegations in relation to Appeals are sub-delegated to the Service Manager (Development Management), the Service Manager (Planning Strategy), all Planning Officers, Enforcement Officers, Landscape Officers and Conservation Officers, in addition to the Assistant Director (Planning and Regulatory).

- 16. To make representations including the submission of cost claims to the Secretary of State in respect of all planning and enforcement appeals conducted by exchange of written representations and by a hearing, including those under the provisions of the Town and Country Planning (Appeals) (Written Representation Procedure)(England) Regulations 2009, the Town and Country Planning (Hearings Procedure) (England) Rules 2000 and other relevant legislation/regulations (for appeals against the refusal of permission or consent and against an enforcement notice).
- 17. To give evidence including the submission of cost claims at all planning and enforcement inquiries, including those conducted under the provisions of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000 and the Town and Country Planning (Determination by Inspectors) (Inquiries Procedure)(England) Rules 2000 (appeals against the refusal of permission or consent or in respect of applications called in by the Secretary of State), the Town and Country Planning(Enforcement) (Inquiries Procedure) Rules 1992 and the Town and Country Planning (Enforcement) Inquiries Procedures (England) Rules 2002 (appeals against enforcement notices).
- 18. To make representations and give evidence as required in relation to appeals for non determination.

Enforcement

- 19. To take direct action or works in default as required in relation to Section 178 (Non Compliance with an Enforcement Notice) and Section 219 (Non Compliance with a Section 215 Notice).

In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 20. to 30. may be exercised by the Principal Enforcement Officer, the Service Manager (Development Management), the Service Manager (Planning Strategy) and (in

the absence of the Principal Enforcement Officer) any Principal Planning Officer within Planning and Growth.

20. To issue and serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990 (as amended).
21. To authorise entry to land in accordance with the provisions of Section 196A and Section 324 of the Town and Country Planning Act 1990 (as amended) and Section 36 of the Hazardous Substances Act 1990 (in connection with the determination of any application and the service of notices).
22. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act 1990 (as amended).
23. To serve requisition of Information Notices under Section 330, Town and Country Planning Act 1990 and Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
24. To issue Enforcement Notices under Sections 172 and 215 (Untidy Gardens), Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and Stop Notices under Section 183 of the Town and Country Planning Act 1990 (as amended) after consultation with the Service Manager (Shared Legal).
25. To serve Temporary Stop Notices under Sections 171E to 171H of the Town and Country Planning Act 1990 (as amended), and in consultation with the Service Manager (Shared Legal).
26. To terminate investigative action in cases where it is appropriate not to pursue enforcement action.
27. To take all appropriate legal steps to secure compliance with extant Enforcement Notices and Stop Notices under Section 215 including prosecution, in consultation with the Service Manager (Shared Legal).
28. To authorise enforcement action under Part 8, Section 74 of the Anti-social Behaviour Act 2003 (High Hedges) (following determination of complaints under the same powers), in consultation with the Service Manager (Shared Legal).
29. To take prosecution action under Part II Sections 3 and 4 and of the Clean Neighbourhoods Act 2005 to pursue action against the exposure of vehicles for sale on the highway and the repair of vehicles on the road.
30. To monitor and enforce Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and the Community Infrastructure Levy Regulations 2010 and subsequent amendments and instruct Head of Legal to take the necessary

action to prosecute any breaches that are unable to be resolved through negotiation.

Conservation Areas/Article 4 Directions/Listed Buildings

31. To determine whether it is appropriate to, and, if so, to serve Directions and Notices under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 and to confirm such Directions if no objections are received within the statutory consultation period.
32. To carry out reviews and to amend Directions under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015, in consultation with the Local Ward Member(s) and the relevant Portfolio Holder in consultation with the Local Ward Member(s) and the relevant Portfolio Holder.
33. Provided that the principle of the creation of the new Conservation Area, has been agreed by the Cabinet, to designate new, Conservation Areas, and to serve Notices to that effect under section 69 of The Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
34. Following a review by the authorised decision taker, to vary or cancel to Conservation Area Designations, and to serve Notices to that effect, under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in consultation with the local Ward Member(s) and the relevant Portfolio Holder.
35. To issue Repair Notices under Section 48 and Urgent Works Notices under Section 54 of the Town and Country Planning (Listed Building and Conservation Area) Act 1990.

In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 36. to 40. may be exercised by the Principal Conservation Officer, the Service Manager (Planning Strategy) and the Service Manager (Development Management).

36. To authorise entry to land in accordance with the provisions of Section 88 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent amendments to this legislation.
37. To serve requisition of Information Notices under Section 89 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and any subsequent amendments to this legislation.
38. To issue Listed Building Enforcement Notices under Section 38 Town and Country Planning (Listed Buildings and Conservation

Areas) Act 1990 after consultation with the Service Manager (Shared Legal).

39. To serve Building Preservation Notices under Section 3 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990 or any statutory modification or re-enactment thereof subject to reporting such action at the next meeting of the Cabinet or Committee as appropriate.
40. Issuing of decisions relating to applications for Listed Building Consent and Certificates of Lawfulness for Listed Buildings.

Environmental Assessment

In addition to the Assistant Director (Planning and Regulatory), the following sub-delegations 41. to 42. may be exercised by the Service Manager (Planning Strategy) and the Service Manager (Development Management)

41. To require the submission of an Environmental Assessment under Regulation 7 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 or an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
42. To give and adopt such notices and opinions and to take such other action as may be necessary to ensure compliance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 or the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Building Regulations

43. The determination and relaxation of applications under the Building Regulations.
44. Powers and Duties under the Building Act 1984, which relate to Building Regulations.
45. Power to serve notices under Section 36 of the Building Act 1984, as amended.
46. Action under Sections 77 and 78 of the Building Act 1984, to deal with dangerous buildings and structures in emergency situations.
47. Action under Section 80 of the Building Act 1984, to deal with and control demolition work.
48. To authorise temporary road closures under Section 21 of the Town Police Clauses Act 1847.

49. Authority for entry and the service of statutory notices and cautions and to take enforcement action (including prosecutions where permitted) under the Building Act, 1984.
50. As well as the Assistant Director (Planning and Regulatory), the Building Control Manager and Building Control Surveyors, to issue decision notices under the Building Regulations and Building Acts and to serve notices in respect of contraventions of the Regulations and with respect to dangerous structures and demolitions under the Building Act.
51. The Assistant Director (Planning and Regulatory), Building Control Manager and Building Control Surveyors, to instruct a contractor on the Approved List to carry out all necessary action under Section 78 of the Building Act 1984 concerning emergency measures to deal with dangerous buildings and structures.

Local Land Charges

52. To discharge the duties and services required by the Local Land Charges Act 1975 by maintaining a register of legally registrable local land charges for both Council areas and an index that is easily traced. The setting of fees for this service is delegated to the Assistant Director (Resources and Performance) in consultation with the Assistant Director (Planning and Regulatory) and subject to compliance with section 13A of the Act.

Pre-application Charging

53. To set the fees for pre-application charging in consultation with the Assistant Director (Resources and Performance) in accordance with the Fees and Charges Policy.

Planning Applications

54. As well as the Assistant Director (Planning and Regulatory), the Service Manager (Development Management), all Principal Planning Officers in the Development Management and Planning Policy and Growth Sections, the Principal Enforcement Officer and Principal Conservation Officer to deal with minor amendments and variations to planning permissions and consents and to discharge planning conditions.
55. In accordance with the Scheme of Delegation, Senior Planning Officers have authority to sign off and issue the following:
 - (a) Issuing of decisions relating to planning applications for domestic extensions, and the issuing of decisions for related listed building consent and Demolition applications;

- (b) Issuing of decisions relating to applications under the advertisement regulations and the issuing of decisions for related listed building consent applications;
 - (c) Issuing of decisions relating to applications for development Plan compliant minor applications where no 'contrary view' is expressed and all 'other' category developments where the Parish/Town Council has not expressed a contrary view and the issuing of decisions for related listed building consent applications;
 - (d) Issuing of decisions relating to planning applications for extensions/alterations to commercial premises and the issuing of decisions for related listed building consent and applications;
 - (e) Issuing of decisions relating to planning applications for minor operations and the issuing of decisions for related listed building consent and applications;
 - (f) Issuing of decisions relating to applications for the discharge of conditions;
 - (g) Issuing of decisions relating to minor amendment applications relating to any of the application types mentioned above (a) to (e);
 - (h) Issuing of decisions relating to planning applications for variation of conditions relating to any of the application types mentioned above (a) to (e);
56. All Planning and Conservation Officers to have authority to sign off and issue the following:
- (a) Issuing of decisions relating to applications for the discharge of conditions and non-material amendments relating to applications which they have previously dealt with;
 - (b) Sign their own letter relating to pre-application advice which they may give, subject to the letter containing the latest standard disclaimer.

It should be noted that no Officer will sign off an application where they have been the Case Officer. Every decision should have been signed off in accordance with the Scheme of Delegation.

Brownfield Land Register

57. To discharge the duties and services required by the Town and Country Planning (Brownfield Land Register) Regulations 2017 to set up and manage registers of brownfield sites within the area.

58. To have the responsibility for the general management of the Brownfield Land Register, but in the event that a Ward Member or Town/Parish Council raises concerns regarding the proposal to include a site in Part 2 of the Brownfield Land Register, this will be referred to the Members' Delegation Panel Scheme to consider, with the potential for determination by the Development Control Committee.

(2) Environmental Health and Licensing

1. The Assistant Director (Planning and Regulatory) has the responsibility for the overall management, administration and control of the executive and non-executive functions of the Environmental Health and Licensing including the following services:
 - a. Pollution control
 - b. Food safety
 - c. Licensing
 - d. Health and Safety Enforcement
 - e. Animal and other licensing
 - f. Infection control
 - g. Other environmental health related matters not managed elsewhere
2. The Assistant Director (Planning and Regulatory) and in his/her absence the Managers within that function, are authorised to issue and serve all notices, authorisations, grant powers of entry, appointments, instruments and other documents in relation to all animal, health, safety, food, licensing and environmental legislation for which the Council and service is the responsible administrative or enforcing Authority.
3. To issue, grant and sign licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents in any of the legislation or enactments thereof in Part 4 below.
4. The Assistant Director (Planning and Regulatory) is authorised to appoint and authorise officers with relevant qualifications, competence and experience to act either generally or specifically, including provision of powers of entry under the following legislation or any statutory modification or re-enactment thereof (including any Order, Regulation or Amendment made by it or under it):
 1. Animal Welfare Act 2006
 2. Anti-Social Behaviour, Crime and Policing Act 2014

3. Breeding of Dogs Act 1973 as amended by Breeding and Sale of Dogs Welfare Act 1999
4. Building Act 1984
5. Clean Air Act 1993
6. Clean Neighbourhoods and Environment Act 2005
7. Control of Pollution Act 1974
8. Contaminants in Food (England) Regulations 2013
9. Dangerous Wild Animals Act 1976
10. Environment Act 1995
11. Environmental Protection Act 1990
12. European Communities Act 1972 (and Regulations made under it)
13. Factories Act 1961
14. Food and Environment Protection Act 1985
15. Food Safety and Hygiene (England) Regulations 2013
16. Food Safety Act 1990 and subordinate regulations
17. Gambling Act 2005
18. Health Act 2006 Part 1; and
19. Health Protection (Local Authority Powers) Regulations 2010
20. Health Protection (Part 2A Orders) Regulations 2010
21. Health & Safety at Work etc. Act 1974 and subordinate regulations
22. Highways Act 1980
23. House to House Collections Act 1939
24. Licensing Act 2003
25. Local Government Act 1972
26. Local Government Act 2000
27. Local Government Miscellaneous Provision Act 1976
28. Local Government Miscellaneous Provision Act 1982
29. National Assistance Act 1948
30. Noise Act 1996
31. Noise and Statutory Nuisance Act 1993
32. Official Feed and Food Controls (England) Regulations 2007 and 2009
33. Offices, Shops and Railway Premises Act 1963
34. Pollution Prevention and Control Act 1999
35. Prevention of Damage by Pests Act 1949
36. Private Water Supplies Regulations 2009
37. Products of Animal Origin (Third Country Imports) Regulations 2006 (as amended)
38. Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
39. Public Health Act 1875
40. Public Health Act 1936
41. Public Health Act 1961
42. Public Health (Control of Diseases Act) 1984
43. Radioactive Substances Act 1993 (including the Public Register)
44. Refuse Disposal Amenity Act 1978
45. Pesticides Act 1998
46. Police, Factories & c. (Miscellaneous Provisions) Act 1916;
47. Scrap Metal Dealers Act 2013

48. Sunday Trading Act 1994 as amended
49. Town Police Clauses Act 1847 and 89
50. Transmissible Encephalopathies (No 2) Regulations 2006
51. Vehicles (Crime) Act 2001
52. Water Act 1989
53. Water Resources Act 1991
54. Town and Country Planning Act 1990
55. Water Industry Act 1991
56. Zoo Licensing Act 1981 (as amended)

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent Enactment, Modification, Order, Regulation or Instrument.

5. To sub-delegate any matters for which the Assistant Director (Planning and Regulatory) is authorised to act, in any capacity, in respect of Environmental Health and Licensing to the Service Manager (Environmental Health).
6. Take all necessary legal action required to enforce the provisions of relevant legislation relating to all environmental health and licensing functions.
7. To facilitate reciprocal working arrangements between licensing enforcement officers from Borough/District Councils within Suffolk.
8. Pursuant to Sections 115 A-K of the Highways Act 1980 and in accordance with the Council's policy for trading and displays on the highways to determine applications and take other action under these provisions.
9. To approve any fees and charges for the service.
10. To operate the Council's policy for street vending (including street cafés) in Bury St Edmunds and Haverhill, including responsibility for the grant of.
11. To consider and make relevant representations (and or objection notices) in respect of any applications and notices made under the Licensing Act 2003 and any subsequent amendments and regulations in accordance with any provisions for the Licensing Authority to act as a Responsible Authority.
12. The Assistant Director (Planning and Regulatory) and the Service Manager (Environmental Health) is authorised to act on behalf of the Council in relation to any matters including enforcement arising in relation to licences granted under the Licensing Act 2003.
13. The Assistant Director (Planning and Regulatory) and the Service Manager (Environmental Health) shall also have the following powers:

- a) Power to determine applications under the Licensing Act 2003 as defined and detailed in the Council's Statement of Licensing Policy in accordance with guidance issued under Section 182 of the 2003 Act by the Secretary of State.
 - b) Power to determine applications under the Gambling Act 2005 as defined and detailed in the Council's Statement of Principles in accordance with the guidance issued under Section 25 of the 2005 Act by the Gambling Commission.
 - c) Power to deal with any appeal arising out of the licensing process and to compromise any appeal, subject to reporting the outcome of the appeal to the Licensing and Regulatory Committee.
 - d) Power to determine if representations made from an interested party in respect to an application for a premises licence are frivolous or vexatious or in respect to an application to review a licence are frivolous, vexatious or repetitious.
 - e) Power to appoint such Officers to deal with applications and Hearings under the Licensing Act 2003 as are necessary for the proper operation of the Council's powers under the 2003 Act.
14. Appoint suitably qualified Officers as Inspectors under the Health and Safety at Work etc. Act 1974 and any regulations made under the Act and to specify which of the powers under the Act to be exercisable by officer appointed.
 15. All reference to any statute, enactment, order, regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.
 16. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to legislation enforced by the Assistant Director (Planning and Regulatory) in relation to Environment Health and Licensing.
 17. To approve or reject plans and specifications under the provisions of the Clean Air Acts 1993 and to grant exemptions.
 18. To make representations to the relevant Secretary of State, if he is satisfied that water being supplied for public consumption does not meet the appropriate criteria and the water undertaker has failed to carry out works to remedy the situation; the facts of the representations to be reported to the next meeting of the Licensing and Regulatory Committee.

19. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
20. Subject to the approval of the Licensing and Regulatory Committee, and after such consultation as considered necessary, to make objections and representations in respect of proposals relating to the discharge of effluent; the facts of the objection or representation to be reported to the next meeting of the Committee.
21. To maintain a public register of information as required by the Environmental Protection Act 1990 and the Pollution Prevention and Control Act 1999.
22. Administer, issue and serve Simple Cautions.
23. To authorise any person to accompany an Inspector on a visit to premises pursuant to S.20 (2)(c)(i) of the Health and Safety at Work Act 1974.
24. To authorise in writing any person who appears suitable to act for the purposes set out under Section 108 of the Environment Act 1995
25. To authorise suitably qualified, competent and experience Health staff from another local authority to act on behalf of this Council in the event of a major emergency.
26. To revoke authorisations for Industrial Processes subject to Local Air Pollution Prevention Control in cases where it is appropriate.
27. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
28. In consultation with the relevant Portfolio Holder, to adopt any Service Plans required by the Food Standards Agency and Health and Safety Commission, provided they are consistent with the Service Plans and budgets approved by the Council.
29. To make changes to the licence conditions for Hackney Carriages and Private Hire Vehicles in the light of changes to legislation and national guidance.
30. In respect of Hackney Carriage/Private Hire driver licences and operator licences applied for or granted under the provisions of the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976, to suspend such drivers and operators in appropriate circumstances, either subject to the usual

provisions for appeal, or, to suspend licensed drivers with immediate effect on the grounds of Public Safety under Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Road Safety Act 2006).

31. To make amendments to the standard conditions for all licences relating to consents for street trading and for licences for house-to-house and street collections to ensure compliance with relevant local and national guidance, in consultation with the relevant Portfolio Holder(s).
32. Where appropriate, suspend consents for street trading in accordance with the terms of the consent.
33. In consultation with the Leader, to issue an Order in accordance with Sections 14A(1) and 14A(2) of the Public Order Act 1986 (as amended by Section 70 of the Criminal Justice and Public Order Act 1994).
34. Be authorised to, where appropriate, suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Vehicle Licence in accordance with s.68 and s.60(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976.
35. Power to agree payments for compensation arising under section 20 of the Public Health (Control of Disease) Act 1984.
36. To authorise works being carried out in default in cases where a breach of legislation can be remedied by the Council carrying out works in default.
37. Power to serve notices under Section 19, commence legal proceedings under Section 20 and provide certificates under Section 22 of the Criminal Justice and Police Act 2001 in relation to closure orders where there are suspected unauthorised sales of alcohol or breach of licence conditions or unauthorised licensable activities taking place at premises.
38. To administer relevant anti-social behaviour provisions, and taken all necessary legal action, including to give directions, serve notices, enforce, carry out works in default, issue formal cautions and to lay information and complaints to Court in relation to offences in appropriate cases under the following Acts and any Act or Acts extending or amending the same and under any order of regulations made under the said Act or Acts:
 - Anti-Social Behaviour, Crime and Policing Act 2014
 - Crime & Disorder Act 1998
 - Criminal Justice & Police Act 2001
 - Criminal Justice & Public Order Act 1994
 - Housing Act 1996
 - Local Government Act 1972

- Local Government Act 2000
 - Police & Justice Act 2006
 - Policing and Crime Act 2009
 - Protection from Harassment Act 1997
 - Serious Organised Crime & Police Act 2005
39. To authorise the appropriate Officers to undertake any actions set out in Section 143 of the Highways Act 1980.
 40. To authorise any Officer appointed as an Inspector under the Health and Safety at Work etc. Act 1974 to institute proceedings for offences (Section 38) and to prosecute before magistrates court proceedings for an offence under any of the relevant statutory provisions (Section 39).
 41. Issue and serve Requisitions for Information as to the ownership of property pursuant to Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
 42. Deal with food complaints.
 43. Apply to the Court for an Emergency Prohibition Order under the Food Safety legislation and take all necessary preliminary action for that purpose, including the laying of information or information in relation to an offence or offences.
 44. Exercise the powers contained in Food Safety legislation to institute proceedings under any provisions of that Act/Regulations or any Regulations or Orders made under them.
 45. Agree local transfers and assignments under Regulations 5 and 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
 46. Sign instruments of appointment under Section 19 of the Health & Safety Work etc. Act 1974.
 47. Issue and serve notices, authorisations, instruments and other documents under the Breeding of Dogs Acts 1973 and 1991 as amended by the Breeding and Sale of Dogs (Welfare) Act 1999 and also under the 1999 Act itself where there is a duty placed on the Council to do so.
 48. Serve notices under Section 20 of the Local Government (Miscellaneous Provisions) Act 1976 in consultation with the appropriate Portfolio Holder whenever the Assistant Director (Planning and Regulatory)/one of his/her Service Managers deems it appropriate subject.
 49. To approve (but not refuse) charitable house-to-house and street collections.

50. To refuse applications for consents, permits and licences and registrations where the application or the grant of the application would be or would result in a contravention of the law.
51. To refuse applications for extensions to the permitted hours for street trading as set out in the Council's Standard Conditions.
52. To revoke a Street Trading Consent where payment of two consecutive monthly instalments of application fee remain outstanding.
53. To appoint Consultant in Communicable Disease Control (CCDC) as Proper Officer.
54. To authorise Officers, the CCDC and other nurses qualified to 'Agendas For Change band 7 and above' within the Norfolk, Suffolk and Cambridgeshire Health Protection Unit (NSCHPU) or any successor agency for Regulation 8 (1) and 8 (2) or the Health Protection (Local Authority Powers) Regulations 2010.
55. To authorise Officers granted powers under any Health Protection Legislation to apply for a Part 2A order in accordance with the Health Protection (Part 2A Orders) Regulations 2010
56. Suitably qualified staff be appointed Proper Officers for the purpose only of exercising rights of entry under Sections 61 and 62 of the Public Health (Control of Diseases) Act 1984.
57. To authorise all Officers within the service, where appropriate to apply for search warrants and to execute them.
58. To authorise any relevant actions under Section 222 of the Local Government Act 1972.

(3) Housing

The Assistant Director (Planning and Regulatory) makes the following sub-delegations to Officers:

(I) Sub-delegations to be exercised by officers in addition to the Assistant Director (Planning and Regulatory):

1. Service Manager (Housing Standards)

1. Investigate cases of harassment or unlawful eviction of any occupier of private residential accommodation under the Protection from Eviction Act 1977.
2. Determine and approve mandatory Disabled Facilities Grants (DFG) and discretionary DFG in line with Council Policy.

Approve professional and technical support to assist residents make their applications.

3. Approve discretionary home assistance grants in line with Council Policy.
4. All delegations under Public Health and Housing.
5. To take enforcement action under the Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014.
6. To take enforcement action under the Housing and Planning Act 2016, in accordance with the West Suffolk Councils' Housing Standards Civil Sanctions Policy.

(4) Public Health and Housing

1. To issue licences, registrations, exemptions, grant authorisations, permits and consents and provisional licences and statements and where appropriate, attach conditions, and vary, alter, amend, renew and authorise the transfer (as appropriate) of such licences, registrations, exemptions and approve Notices and consents pursuant to the following statutes:-
 - Public Health Act 1936;
 - Caravan Sites and Control of Development Act 1960;
 - Dangerous Wild Animals Act 1976;
 - Local Government (Miscellaneous Provisions) Act 1982;
 - Environmental Protection Act 1990;
 - Noise and Statutory Nuisance Act 1993;
 - Housing Grants, Construction and Regeneration Act 1996;
 - Housing Act 1996;
 - Housing Act 2004;

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

2. To authorise all suitably qualified staff to act on behalf of the Council and take appropriate action in respect of the following statutes and regulations made under those statutes, including inspection of premises, serving of Notices, Counter Notices and Orders:-
 - Public Health Act 1936;
 - National Assistance Act 1948;
 - National Assistance (Amendment) Act 1951;
 - Caravan Sites and Control of Development Act 1960;
 - Public Health Act 1961;
 - Control of Pollution Act 1974;

- Dangerous Wild Animals Act 1976;
- Local Government (Miscellaneous Provisions) Act 1976;
- Local Government (Miscellaneous Provisions) Act 1982;
- Building Act 1984;
- Public Health (Control of Disease) Act 1984;
- Housing Act 1985;
- Housing Grants, Development and Regeneration Act 1989;
- Local Government and Housing Act 1989;
- Environmental Protection Act 1990;
- Dangerous Dogs Act 1991
- Water Industry Act 1991;
- Clean Air Act 1993;
- Noise and Statutory Nuisance Act 1993;
- Dogs (Fouling of Land) Act 1996;
- Housing Act 1996;
- Noise Act 1996;
- Pollution Prevention and Control Act 1999;
- Homelessness Act 2002;
- Regulatory Reform (Housing Assistance) (England and Wales) Order 2002;
- Anti-social Behaviour Act 2003;
- Housing Act 2004;
- Clean Neighbourhoods and Environmental Act 2005;
- Animal Welfare Act 2006;
- Anti-social Behaviour, Crime and Policing Act 2014
- Smoke and Carbon Monoxide Alarm (England) Regulations 2015

All reference to any Statute, Enactment, Order, Regulation or other similar instrument shall be construed as a reference to them as amended (or re-enacted) by any subsequent enactment, modification, order, regulation or instrument.

3. To accept tenders and quotations and to authorise works, initiate action or to act pursuant to the functions of the Council pursuant to the following Statutes:-

- Public Health Act 1936;
- Prevention of Damage by Pests Act 1949;
- Public Health Act 1961;
- Dangerous Wild Animals Act 1976;
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982;
- Building Act 1984;
- Housing Grants, Construction and Regeneration Act 1996;
- Housing Act 1996;
- Protection from Eviction Act 1977;
- Dangerous Dogs Act 1991;
- Homelessness Act 2002;
- Housing Act 2004;
- Clean Neighbourhoods and Environmental Act 2005;
- Anti-social Behaviour, Crime & Policing Act 2014

4. To authorise the burial or cremation of bodies, to publish information and in conjunction with the Head of Resources and Performance to authorise compensation payments under the provisions of the Public Health (Control of Disease) Act 1984.
5. To serve notice in respect of private drinking water supplies and to make arrangement for work in default to be carried out in accordance with the Water Act 1989 and its subordinate legislation where informal approaches have failed to secure the necessary improvements.
6. To recover grants in the event of breach of condition and reduction in liabilities for repayment of grants in cases of financial hardship after consultation with the Assistant Director (Resources and Performance).
7. To make variations to the adopted amenity standards for houses in multiple occupation.
8. To accept quotations and authorise the execution of works in cases of work in default (WID) where there has been non-compliance with a statutory notice and approve and serve notices to recover reasonable costs for WID.
9. To maintain the Public Register of Houses in Multiple Occupation.
10. To carry out the Council's functions and duties with respect to overcrowding.
11. To approve statutory compensation to owners and occupiers of premises affected by unfit dwellings proposals and to authorise ex-gratia payments towards proved reasonable removal expenses not exceeding £750 per household.
12. To approve the making of Closing and Demolition Orders.
13. To determine Closing Orders or revoke Demolition Orders upon being satisfied that the works necessary have been carried out.
14. In relation to dwellings that are unfit and in need of repair to accept quotations and authorise the execution of works in cases of default.
15. To determine applications to use dwellings which are the subject of Closing Orders for uses other than human habitation.
16. To discharge the functions of the local authority under the Environmental Protection Act 1990 in relation to the control of dogs.
17. To issue cautions in appropriate circumstances after consultation with the Service Manager (Shared Legal).
18. To lead and co-ordinate in respect of all issues connected with unauthorised Gypsy and Traveller encampments in accordance with

the Suffolk Protocol for Unauthorised Encampments, in consultation with the Service Manager (Shared Legal), and other Assistant Directors as appropriate.

19. To exercise the Council's powers under Sections 77 and 78 of the Criminal Justice and Public Order Act 1994 as to the issue and the serving of a Notice of a Direction under Section 77 of that Act.
20. To appoint the Proper Officer for the purposes of Section 47 of the National Assistance Act 1948.
21. To exercise all powers and commence action in relation to Anti Social behaviour.

Housing Health and Safety Rating System: Enforcement Policy

1. In consultation with the Head of Resources and Performance, to set the charges for the enforcement actions detailed below, except in the case of owner-occupiers in receipt of means tested benefits, based on the hourly rates for the work involved.
2. Reasonable charges for the cost of enforcement will be made in accordance with Section 49 of the Housing Act 2004 in respect of the following actions:-
 - (i) serving an improvement notice under Section 11 or 12 of the Act – (determining whether to serve the notice, identifying any action to be specified in the notice, and serving the notice);
 - (ii) making a prohibition order under Section 20 or 21 of the Act – (determining whether to make the order, and serving copies of the order on persons as owners of premises);
 - (iii) serving a hazard awareness notice under Section 28 or 29 – (determining whether to serve to notice, identifying any action to be specified in the notice, and serving the notice);
 - (iv) taking emergency remedial action under Section 40 – (determining whether to take such action, and serving the notice required by Section (7) of that Section);
 - (v) making an emergency prohibition order under Section 43 – (determining whether to make the order, and serving copies of the order on persons as owners of premises); and
 - (vi) making a demolition order under Section 265 of the Housing Act 1985 – (determining whether to make the order, and serving copies of the order on persons as owners of premises).

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Scheme of Delegation to Officers

Assistant Director (Resources and Performance)

1. To be responsible for the administration of the financial affairs of the Council pursuant to Section 151 of the Local Government Act 1972 and to act generally as the Council's Chief Finance Officer under the terms of the Local Government Acts 1985 and 1988.
2. To undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account public sector internal auditing standards or guidance '.
3. To be responsible for the implementation and management of the Council's Risk Framework.
4. To ensure the collection of all income due to the Council and take all necessary action for the recovery of debts owed to the Council and to deal with irrecoverable amounts, as prescribed in the Council's Financial Regulations
5. To institute proceedings in a Magistrates Court for the purpose of recovering sums due under the General Rate Act 1967 and the Local Government Finance Acts of 1988 and 1992.
6. To be responsible for insuring all the Council's properties and other appropriate liabilities and settling all insured claims through the Council's insurers.
7. To ensure payment to all creditors, including loan interest recipients and employees of the Council.
8. To manage the Revenues and Benefits function, including being authorised to appoint appropriately qualified officers employed within the Anglia Revenues Partnership to:-
 - (a) make complaints to and appear before a Magistrates' Court in connection with summonses for non-payment of Council Tax and National Non-Domestic Rates and to take all steps and appear before a Magistrates' Court in connection with applications for the issue of warrants committing Community Charge, Council Tax and National Non-Domestic Rates debtors to prison;
 - (b) appear before any Valuation Tribunals held under the Local Government Finance Acts 1988 and 1992;
 - (c) appear before a County Court for the issue of a charging order under Sections 50 and 51 of the Council Tax (Administration and Enforcement) Regulations 1992;
 - (d) write off as irrecoverable any bad debt up to £500;

- (e) issue a formal caution and administrative penalty relating to Housing Benefit or Council Tax Benefit fraud;
- (f) exercise Section 109B and 109C powers under the Social Security Act 1992 (power to obtain information in relation to benefit fraud) and, under Section 110A of the same Act, the Chief Finance Officer to authorise further officers to exercise such powers;
- (g) obtain information, following consultation with the Chief Finance Officer and Deputy Finance Officer, relating to benefit fraud under the Social Security Fraud Act 2001;
- (h) administer the Localised Council Tax Support Scheme;
- (i) to make or object to proposals for alteration or addition to the Valuation List;
- (j) to obtain Certificates and to apply to the Valuation Officer for apportionment of the rateable value of partly occupied hereditaments under Section 25 of the General Rate Act 1967 and the Local Government and Housing Act 1989;
- (k) to deal with applications for the statutory rate relief for charities;
- (l) to make refunds of rates under Section 9 of the General Rate Act 1967 where the certificate of the Valuation Officer has been obtained;
- (m) to manage the Council's rating function including the acquisition of information required and the provision of information to ratepayers;
- (n) to seek advice on suspected Benefit and Council Tax fraud cases;
- (o) to deal with applications made under the Local Government Finance Act 1992 for Council Tax Reductions for Disabilities;
- (p) to fix the instalment dates for the payment of the Council Tax and for the National Non-Domestic Rates;
- (q) to determine applications for rating relief under Sections 43, 45 and 49 of the Local Government Finance Act 1988;
- (r) to operate and amend any appropriate list of qualifying properties under the Village Shops and Post Offices Rate Relief Scheme;
- (s) to determine first stage representations from claimants in respect of housing benefits;
- (t) to determine applications for Housing Benefits; and

- (u) to determine rent for Housing Benefit purposes, after consultation with the Assistant Director (Human Resources, Legal and Democratic Services) as appropriate.
9. To write-off as irrecoverable any bad debt up to £2,500 and write-off obsolete plant and equipment.
 10. To serve notices pursuant to the General Rate Act 1967 and Local Government Finance Acts of 1988 and 1992.
 11. To manage the Council's investments.
 12. To accept on behalf of the Council temporary and permanent loans.
 13. To determine the charges payable for letting accommodation in the Council's offices.
 14. To be responsible for preparing all financial accounts, statements, estimates and budgets for the Council.
 15. To manage the Council Tax functions including the provision of statutory information, and the billing, collection and recovery of sums due.
 16. To approve applications for Discretionary Rate Relief under the provisions of the Local Government Finance Act 1988 and in accordance with criteria laid down by the former Development and Finance Committee and subject to appeal to the Licensing and Regulatory Committee.
 17. To determine applications for rating relief (Hardship Relief) made under S49 of the Local Government Finance Act 1988 subject to appeal to the Licensing and Regulatory Committee and to an annual report to the Cabinet of decisions made.
 18. To pay allowances to Members in accordance with Council policy.
 19. To approve miscellaneous ex-gratia payments not exceeding £500 in any one case.
 20. To prepare and monitor the Capital Programme together with the available Capital Resources.
 21. To determine fees, after consultation with the Assistant Director (Planning and Regulatory) or Assistant Director (Human Resources, Legal and Democratic Services) as appropriate, pursuant to the following statutes:-
 - Pet Animals Act 1951;
 - Animal Boarding Establishments Act 1963;
 - Riding Establishments Act 1964;
 - Breeding of Dogs Act 1973;
 - Zoo Licensing Act 1981;
 - Dangerous Wild Animals Act 1976;
 - Local Government (Miscellaneous Provisions) Act 1982;

Prevention of Damage by Pests Act 1949;
Environment Act 1995;
Dogs (Fouling of Land) Act 1996;
Housing Grants, Construction and Regeneration Act 1996;
Housing Act 1996;
Licensing Act 2003;
Housing Act 2004;
Gambling Act 2005;
Animal Welfare Act 2006

22. To determine applications for Housing Act advances for the acquisition, repair, conversion and improvement of dwellings.
23. To approve variations in the rate of interest payable on Housing Act advances.
24. To apply for Grant of Letters of Administration and act as the Council's nominee (with the Assistant Director (Human Resources, Legal and Democratic Services)) where the Council are creditors in the estate of a deceased person.
25. To determine, in consultation with the Assistant Director (Planning and Regulatory), all fees payable in relation to hackney carriages, their drivers, private hire vehicles and their drivers and operators.
26. To administer the Council's car loans and car leasing schemes.
27. To approve the payment of insurance settlements for a personal accident claim in consultation with the relevant Assistant Director and the Assistant Director (Human Resources, Legal and Democratic Services).
28. In consultation with the Assistant Director (Human Resources, Legal and Democratic Services), to waive the actuarial reduction on compassionate grounds in circumstances deemed appropriate, in accordance with Regulation 31 of the Local Government Pension Scheme Regulations 1997.
29. To pay any unspent payroll related budgets, on an opportunity basis, to the reduction of any deficit on the Pension Fund.
30. To make arrangements for the most advantageous timing, and phasing, of the payment of available Provisions for Credit Liabilities and Usable Capital Receipts into the Suffolk County Pension Fund, up to the approved limit, in consultation with the relevant Portfolio Holder.
31. To execute and administer treasury management decisions, in accordance with the Council's Treasury Management Policy Statement and Treasury Management Practices and, if he/she is a CIPFA member, CIPFA's Standard of Professional Practice on Treasury Management.
32. To place any grant received through the Local Public Service Agreement initiative in a Community Development Reserve established for this

purpose and to amend the Capital Programme to include the capital element of the grant.

33. To transfer any unbudgeted specific grants received into the appropriate reserve. The level and use of this reserve account to be subject to further consideration by the Cabinet and, if required, full Council.
34. In consultation with the Portfolio Holder for Resources and Performance, and taking into account the required level of General Fund balances, to transfer excess interest earned over budget into an Interest Equalisation Reserve established for this purpose and, in order to minimise the impact of any adverse interest rate adjustments in the future, to transfer funds back from this Reserve into the interest budget, as required.
35. Exercise the proper administration of the Council's financial affairs, including, management of the Council's banking arrangements, debt, raising and repayment of loans, investments, pensions matters, leasing arrangements and the Council's insurance arrangements.
36. Undertake all investment transactions within the investment policy determined by the Council including the management of the External Investment Fund in liaison with any Fund Managers appointed by the Council.
37. Raise loans within the limits approved by Central Government and to use overdraft facilities to the limits agreed with the Council's bankers.
38. Manage the Council's loan debt and to raise and repay loans, together with other appropriate instruments, to give effect to the borrowing limits determined under Section 45 of the Local Government and Housing Act 1989 and in accordance with any other relevant controls imposed by Central Government, the Voluntary Code of Practice on Borrowing and the Council's policy decision to reschedule long term.
39. To exercise discretion in consultation with the relevant portfolio holder to use the Council's reserves as necessary.
40. To exercise the function of being the Council's Money Laundering Officer under the appropriate legislation.
41. Raise loans within the limits approved by Council and to use overdraft facilities to the limits agreed with the Council's bankers.
42. Negotiate terms for the Council's banking arrangements and report the outcome to the Portfolio Holder for Resources and Performance.

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Forest Heath District Council

Section 5 - Member Job Descriptions

Leader of the Council

1. General

The Leader of the Council will represent the Council and provide political leadership for the Cabinet, the Council and the District.

2. Specific Responsibilities will be to:-

- (a) Appoint Members of the Cabinet and determine portfolios;
- (b) Chair the meetings of the Cabinet;
- (c) Agree the schedule and venue for Cabinet meetings and make arrangements for special meetings;
- (d) Enable preparation of the Decisions Plan;
- (e) Have an overview of, and advise on, the policy making of the District;
- (f) Act as lead Member on overall strategy;
- (g) Monitor the overall performance of the Council in delivering the agreed policies of the Council;
- (h) Co-ordinate and manage Cabinet Members;
- (i) Represent Council policy to the community and partners;
- (j) Work closely with the Joint Chief Executive on strategic matters to ensure the co-ordination, consistency and delivery of Council services;
- (k) Represent the Council on local, regional and national bodies;
- (l) Consult with the Joint Chief Executive on strategic or policy matters where an urgent decision or action must be taken;
- (m) Promote and develop partnership working with other agencies, ensuring that the Council's priorities are met;
- (n) Where necessary consult with Group Leaders of other political groups to expedite the efficient and effective delivery of council business;
- (o) Carry out the duties identified in the job description for Ward Councillors; and
- (p) Liaise with Chairmen and Vice-Chairmen of the Scrutiny Committees to ensure that work programmes are properly co-ordinated.

Deputy Leader of the Council

1. General

- 1.1 The Deputy Leader of the Council is responsible for supporting the Leader in providing political leadership for the Cabinet, the Council and the District.

- 1.2 In the absence of the Leader, the Deputy Leader is authorised to act on his/her behalf in accordance with the Council's Constitution, in particular:-
- (a) Chairing Cabinet meetings;
 - (b) Enabling the preparation of the Decisions Plan;
 - (c) Consulting with the Joint Chief Executive on strategic or policy matters where an urgent decision or action must be taken; and
 - (d) Where necessary, consulting with Group Leaders of other political groups, the Mayor/Chairman and the Chairmen of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee to expedite the efficient and effective delivery of Council business.

2. Specific duties include:

- 2.1 In the absence of the Leader, to chair Cabinet meetings, conduct the Cabinet's business and present reports to Council.
- 2.2 In the absence of the Leader, to perform any other duties of the Leader, as set out in the Constitution and the Job Description for the Leader.
- 2.3 On behalf of the Leader, to represent the Council on local, regional and national bodies.
- 2.4 On behalf of the Leader, to represent Council policy to the community, partners and the media.
- 2.5 With the Leader, to attend quarterly meetings with the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee and to ensure the work of these Committees is properly co-ordinated.
- 2.6 To carry out the duties identified in the job descriptions for Cabinet Members, their own Cabinet portfolio and Ward Councillors.

General Roles and Responsibilities of all Portfolio Holders

1. Accountability and Leadership

- 1.1 Each Portfolio Holder will be accountable, and provide the political leadership, for their specific areas of responsibility.

2. Shared Responsibility as a Member of the Cabinet

Responsibility for:-

- 2.1 The co-ordination, promotion and implementation of the Council's statutory plans and strategies and for the setting of the Council's objectives;

- 2.2 The oversight, development, monitoring and promotion of all services provided by the Council within the appropriate performance management framework;
- 2.3 Suitable and proper arrangements being made for the procurement, development, monitoring and promotion of all services relating to Cabinet functions which are provided under contract to the Council;
- 2.4 The promotion of the interests of the District and the whole of West Suffolk, and of all the residents, businesses, other organisations and stakeholders within West Suffolk;
- 2.5 A community leadership role being taken by the Council across the public, voluntary and business sectors involving the development of good and effective working links and partnerships with all sectors;
- 2.6 The promotion and implementation of an effective equal opportunity policy in relation both to the employment of staff by the Council and the delivery of services by the Council and other agencies;
- 2.7 The promotion of services which contribute to the Council's Corporate Priorities.
- 2.8 Improving arrangements for communicating, consulting and maintaining a dialogue with residents and service users; and
- 2.9 Members of the Cabinet also carry out the duties identified in the job description for Ward Councillors.

3. Specific Responsibilities

Portfolio Holders will:-

- 3.1 Take the leading role in the development and implementation of the policies and covered by their Portfolio;
- 3.2 Be responsible for ensuring the effective management and delivery of the services or functions covered by their Portfolio within the following framework:-
 - (a) The Council's overall strategic, corporate and policy objectives;
 - (b) All statutory and other plans and strategies approved by the Council;
 - (c) The statutory and local obligation to ensure best value;
 - (d) The approved revenue and capital budgets;
 - (e) The law and the Council's Constitution; and
 - (f) The decisions made at full meetings of the Cabinet.

4. Specific roles of Portfolio Holders

Will include:-

- (a) Advising the Council, Cabinet or Overview and Scrutiny Committee on matters concerning the implementation, monitoring and performance of services, groups of services, initiatives and projects;
- (b) Monitoring the performance of portfolio functions and activities to ensure corporate objectives and targets are achieved;
- (c) Advising and consulting with Officers on matters of significance for Council policy and its implementation;
- (d) Representing the Council's views to other agencies, community interests and local media;
- (e) Formally representing the Cabinet at meetings and Working Groups of the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee;
- (f) Liaising with other lead Members and Officers on strategic matters to ensure proper co-ordination, consistency and seamless delivery of services within Council policy;
- (g) Chairing, from time to time, meetings of members and officers and with Council partners;
- (h) Assisting in the development of work programmes, Decisions Plans and the setting of agendas;
- (i) Presenting and reporting issues to the Council, its Committees and Members' seminars;
- (j) Being consulted as part of any decision-making processes within their Portfolio which have been delegated to Officers; and
- (k) Being consulted on any matters of urgency which an Officer needs to act upon prior to a Member decision.

Ward Councillor

1. Overview

- 1.1 As a Councillor, you will be expected to balance the needs and interests of your local area, your residents and voters, community groups, local businesses, your political party (if you belong to one) and the Council.
- 1.2 First and foremost, you will represent your Ward, engaging with residents and groups on a wide range of different issues and taking on an important community leadership role. At the Council, you will contribute to the development of policies and strategies, including budget-setting. You may also be involved in taking decisions on planning or licensing applications.

2. Representing the local area

- 2.1 Represent effectively the interests of the Ward for which you were elected and deal with residents' enquiries and representations, fairly and without prejudice.
- 2.2 Champion the causes which best relate to the interests of the community and campaign for improvements in the quality of life of the community in terms of diversity, safety, well-being, economy and environment.
- 2.3 Use local knowledge in the development of Council policies, including listening to the needs of local people and taking their views into account when considering policy proposals and decision-making.
- 2.4 Ensure that local people are informed about:
 - Services in their area;
 - Decisions that affect them;
 - The reasons why decisions were taken by the Council;
 - Their rights as residents.
- 2.5 Represent the Authority to the community and the community to the Authority, through the various forums available.
- 2.6 When appropriate, respond to any Council consultation regarding matters within your Ward.
- 2.7 Know your Ward, and be aware of its particular qualities, advantages and problems.
- 2.8 Know and work with representatives of local organisations, interest groups and businesses.
- 2.9 Encourage people in your Ward to participate in the democratic decision-making process by engaging with consultations etc.

3. Participating in the work of the Council

- 3.1 Participate effectively at all meetings of Council and at Committees, Groups or other Forums to which you are appointed.
- 3.2 Contribute actively to the formation and scrutiny of the Council's priorities, budget, strategies and service delivery.
- 3.3 Develop and maintain a working knowledge of the Council's services, management arrangements, powers/duties and constraints and develop good working relationships with the Council's Officers.

- 3.4 Fulfil the statutory and locally determined requirements of an elected Member, including compliance with all relevant codes of conduct and protocols.
- 3.5 Represent the Council on outside bodies to which it appoints you.
- 3.6 Support the Chairman in promoting the civic life of the Council.
- 3.7 Participate in the scrutiny of the services and policies of the Council and their effectiveness in meeting the strategic objectives of the Council and the needs of its residents.
- 3.8 Maintain and develop your skills by engaging with the Member Development Programme and attending the training offered. Ensure you have sufficient IT skills to enable you to make use of the relevant Council systems.

PART 4

RULES OF PROCEDURE

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Forest Heath District Council

Council Procedure Rules

Introduction

1. Ordinary meetings of the Council will usually take place six times a year on a Wednesday, commencing at 6pm.

Meetings will commence at 6pm and at 9pm shall stand adjourned until the following day at 6pm whenever practicable unless the chairman is of the view that the meeting will conclude within 30 minutes thereafter and exercises his or her discretion to continue the meeting.

2. Meetings will usually take place at the Council's main offices but may take place at other venues with the agreement of the Chairman.
3. There are four types of Council Meetings, the Annual meeting, Ordinary meetings, Extraordinary Meetings and Special meetings. These are dealt with in more detail below.
4. Notice of all meetings of the Council will be given to the public by the Chief Executive in accordance with the Access to Information Rules five clear working days before the date of the meeting. Notice by summons will also be given by the Chief Executive to each member of the Council in the manner prescribed in the Access to Information Procedure rules. The summons shall contain the date, time and place of each meeting, specify the business to be transacted and be accompanied by such reports that may be available.
5. The Chief Executive is authorised to cancel a meeting where the agenda has already been issued if it considered expedient. Before exercising this authority, the Chief Executive will consult with the Chairman and the Leader of the Council. Any outstanding business will be held over to the next ordinary meeting or an extraordinary meeting on a date to be arranged.
6. The Council may make audio and/or visual recordings of meetings and broadcast or otherwise make them available to the public on its website or by other means.

1. Annual meeting of the Council

1.1 Timing and business

The Annual Meeting of the Council will be held:

- 1.1.1 in a year of ordinary elections of councillors to the Council, on such day within the twenty-one days immediately following the day of retirement of councillors as the Council may fix;
- 1.1.2 in any other year, on such day in the month of March, April or May as the Council may fix;
- 1.1.3 at such hour as the Council may fix.
- 1.1.4 at the Annual Meeting, the Council will:-
 - (a) elect a Member to preside if the retiring Chairman and Vice Chairman are not present;
 - (b) elect the Chairman for the ensuing year;
 - (c) receive any announcements from the Chairman;
 - (d) receive any announcements from the officer advising the Chairman including apologies for absence;
 - (e) elect the Vice-Chairman;
 - (f) elect the Leader at the post-election annual meeting;
 - (g) if practicable, be told by the Leader about the composition and constitution of the Cabinet for the coming year, and the names of Councillors he/she has chosen to be Members of the Cabinet;
 - (h) determine the Council's committee structure and arrangements for outside bodies in accordance with 1.2 below;
 - (i) appoint the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees;
 - (j) update the Constitution if necessary in line with 1.2 below;
 - (k) consider any other business set out in the notice convening the meeting.

1.2 Selection of councillors on committees and outside bodies

At the Annual Meeting, the Council will:-

- (a) decide which Committees to establish for the municipal year;
- (b) decide the size and agree terms of reference for those Committees;
- (c) decide the allocation of seats and substitutes to political groups in accordance with the political balance rules;
- (d) receive, or arrange the delegation of, nominations of Councillors to serve on each Committee and on any outside body for which a new appointment or re-appointment is required; and
- (e) appoint to those Committees and outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

2. Ordinary meetings of the Council

2.1 Ordinary meetings of the Council will usually take place at 6pm but may take place at any other time in accordance with the programme previously approved by the Council. The starting time of an ordinary meeting may be changed before the publication of the agenda by agreement of the Leader and Chairman.

2.2 Unless changed in accordance with paragraph 2.3 below, the order of business at every ordinary meeting of the Council will be:-

- (a) to elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) to deal with any business required by law to be dealt with first;
- (c) to confirm as a correct record and sign the minutes of the last meeting of the Council; except that minutes of a special meeting or an extraordinary meeting of the Council will be submitted for confirmation to the next ordinary meeting of the Council;
- (d) the Chairman's announcements;
- (e) to receive any announcements from the officer advising the Chairman (including apologies for absence);
- (f) declarations of interests
- (g) the Leader's report and questions thereon in accordance with Rules 8.1 – 8.3 below;
- (h) to receive and answer questions from members of the public in accordance with Rule 6 below;
- (i) to receive, and when appropriate debate, any petitions in accordance with the Petition Scheme attached as Appendix A to these rules;
- (j) to deal with any business remaining from the last Council meeting in accordance with Rules 5.2 and 11.11(c);
- (k) to deal with the referrals report of recommendations from Cabinet and committees;
- (l) to consider any other business specified in the summons to the meeting, including reports of the Overview and Scrutiny and Performance and Audit Scrutiny Committee;
- (m) to receive reports about, and receive questions and answers on, the business of joint arrangements and external organisations;
- (n) questions to chairmen on the business transacted by their committees since the last ordinary meeting of Council;
- (o) to consider any motions under Rule 9 in the order in which they are received;
- (p) to answer any questions received under the terms of Rules 8.4 – 8.8.

2.3 The order of business (except for items (a), (b) and (c) of paragraph 2.2 of these Rules) may be changed:-

- (a) before or at a meeting, as the Chairman sees fit; or

- (b) by a resolution of the meeting passed on a motion under Rule 9 or Rule 10.1(c).

3. Special and extraordinary meetings of the Council

Calling Special or Extraordinary Meetings

- 3.1 An extraordinary meeting is one that is additional to the scheduled ordinary meetings and is called to deal with matters that cannot conveniently be dealt with at one of those meetings. A special meeting is one called for a specific and unusual purpose, for example to confer an honorary title.

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings:-

- (a) the Council by resolution;
- (b) the Chairman;
- (c) the Monitoring Officer; and
- (d) in accordance with paragraph 3 of Schedule 12 of the Local Government Act 1972 (as amended), any five Members of the Council if they have signed a requisition presented to the Chairman and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

Business

- 3.2 Special or extraordinary meetings will:-

- (a) elect a person to preside if the Chairman and Vice Chairman are not present;
- (b) receive any declarations of interest;
- (c) (at extraordinary meetings only) receive and answer questions from members of the public in accordance with rule 6 and limited to the subject matter of the business to be transacted at the meeting; and
- (d) deal with the business for which the special or extraordinary meeting was called.

- 3.3 No other business will be dealt with at a special meeting or an extraordinary meeting of the Council.

4. Appointment of substitute members of committees and sub-committees

- 4.1 As well as allocating seats on committees, the Council may allocate seats in the same manner for substitute members. In the case of sub-committees, the appointing committees will determine the number of substitutes and appoint them. Substitute members must be from the same political group as the absent member. If a substitute member cannot be found from the list of prescribed

substitutes, a temporary substitute may be appointed by the Service Manager (Democratic Services and Monitoring Officer) on receipt of the prescribed form authorised by the relevant group leader. In the case of the full member not being in a group, the full member seeking a substitute will authorise the form. Substitutes cannot be appointed for the Cabinet.

- 4.2 When the Council (or a Committee) wishes to appoint substitutes to a Committee (or Sub-Committee) it will adhere to the rules of political proportionality, subject to the total number of substitutes being no more than half of the total number of Members of the Committee (or Sub-Committee).
- 4.3 The powers and duties of substitutes are set out in the Committee Procedure Rules.

5. Quorum

- 5.1 If, at the start of a meeting or during a meeting of the Council there are not at least one quarter of the current number of members present, the Chairman will adjourn the meeting.
- 5.2 Consideration of any business not dealt with will be adjourned to a date and time fixed by the Chairman or to the next ordinary meeting of the Council if a meeting is not fixed to consider the adjourned business.

6. Public question time

General

- 6.1 At each ordinary meeting of the Council, members of the public who live or work in the District may put questions about the work of the Council to members of the Cabinet or any Committee. 30 minutes will be set aside for this. 30 minutes will also be set aside for questions at extraordinary meetings of the Council, but must be limited to the business to be transacted at that meeting.
- 6.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176/01638 719363 or in person by telling the committee administrator present at the meeting.
- 6.3 Written questions, detailing the full question to be asked, may be submitted by members of the public to the Service Manager (Democratic Services and Monitoring Officer) no later than 10.00 am on the previous working day to the meeting of the Council.

Order of questions

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

Time limits

- 6.5 Each person may ask one question only. A total of five minutes will be allowed for the question to be put and answered. One supplementary question will be allowed provided that it arises directly from the reply and the overall time limit of five minutes is not exceeded. The member to whom the question is directed may refer it to another member or may choose to give a written response. A written response will be provided if the member to whom the question was directed is not present at the meeting and it cannot be answered by another member.
- 6.6 If no questions are received or all the questions are dealt with in less than 30 minutes, the Council will move immediately to the next business.

Scope of Questions

- 6.7 The Service Manager (Democratic Services and Monitoring Officer), in respect of any question notified before the meeting, or the Chairman, in respect of any question notified at the meeting, may reject a question if it:-
- (a) is not about a matter for which the Council has a responsibility or which affects the District;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.

Record of Questions and answers

- 6.8 All questions and answers under Public Question Time will be summarised in the minutes of the meeting. The summary for rejected questions will include the reasons for rejection.

Written Answers

- 6.9 As well as being sent to the person asking the question, written answers will be distributed to all councillors and published on the Council's website.

7. Recording of council meetings

- 7.1 The Council usually makes its own recording of Council meetings.

The audio-visual recording is retained for 12 months after the minutes of the meeting are approved. Requests in relation to these recordings can be made under the Freedom of Information Act.

- 7.2 Arrangements for the public to film/record and for the use of social media at meetings are set out in the Access to Information Rules.

8. Questions by members

On the Leader's Statement

- 8.1 At each ordinary meeting of the Council the Leader of the Council will submit a report (the Leader's Statement) summarising important developments and activities since the preceding meeting of the Council.
- 8.2 The Leader will introduce the statement and members may ask the Leader questions on the content of both his introductory remarks and the written statement itself. All questions will be answered immediately by the Leader or by the relevant Cabinet Member if the Leader refers any question to him or her, unless sufficient information to give an answer is not available. In these circumstances the member asking the question will receive a response in writing within five working days of the Council meeting at which the question was asked. The response will be distributed to all members and published on the Council's website.
- 8.3 A total of 30 minutes will be allowed for questions and responses. There will be a limit of five minutes for each question to be asked and answered. The member asking the original question may put a supplementary question arising from the reply so long as the five minute limit is not exceeded.

Questions on notice at Council

- 8.4 Subject to paragraph 8.5 below, a member may submit in writing to the Service Manager (Democratic Services and Monitoring Officer) a question on notice for:-

- (a) the Chairman; or
- (b) the Leader or any member of the Cabinet; or
- (c) the Chairman of any Committee or Sub-Committee

on any matter in relation to which the Council has powers or duties or which affects the administrative area of the Council, or part of it, or the inhabitants of that area.

- 8.5 A Member may ask only one question on notice under 8.4 at each Council meeting and:-

- (a) must submit it in writing to the Service Manager (Democratic Services and Monitoring Officer) no later than noon seven

working days before the meeting, not counting the day of the meeting; or

- (b) if the question is urgent and the member has the consent of the member to whom the question is to be put, must submit it in writing to the Service Manager (Democratic Services and Monitoring Officer) by 11am on the day of the meeting.

8.6 Every question on notice will be answered without discussion. The member who is asked the question on notice may ask another member to answer. An answer may take the form of:-

- (a) a direct oral answer summarised in the minutes;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally at the meeting, a written answer sent by the appropriate officer and/or relevant member to all members within five working days of the Council meeting.

8.7 A member asking a question on notice under paragraph 8.4 may ask one supplementary question, without notice, of a member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.

8.8 If the member who gave notice of the question is not present at the meeting, any other member may ask that question but if that does not occur, the Chairman shall proceed to the next item of business. The question shall be deemed to have been withdrawn and may not be asked unless notice is given again in accordance with 8.4 above.

9. Motions which need written notice

9.1 Except for motions which can be moved without notice under section 10 of these Rules, written notice of every motion must be delivered to the Service Manager (Democratic Services and Monitoring Officer) no later than noon seven working days before the meeting, not counting the day of the meeting. Motions must be about matters for which the Council has a responsibility or which affect the administrative area of the Council or part of it or the inhabitants of that area.

9.2 Each member may put one motion on notice at each Council meeting.

9.3 All motions on notice received under 9.1 will be set out in the agenda in the order in which they have been received.

9.4 A Member may withdraw a motion on notice at any time.

- 9.5 A motion on notice under 9.1 can be moved at the meeting by any member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with 9.1 above.
- 9.6 Any motion on notice under paragraph 9.1 of these Rules, on being moved and seconded, will usually, without discussion, be referred to the appropriate forum for consideration. The Chairman may, if he/she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded provided that the motion, if carried, would not involve the Council in expenditure not included in the Council's approved revenue or capital budget.

10. Motions and amendments which may be moved without notice

- 10.1 The following motions and amendments may be moved without notice:-
- (a) to appoint a Chairman of the meeting at which the motion is moved;
 - (b) in relation to the accuracy of the minutes;
 - (c) to change the order of business on the agenda;
 - (d) to receive the reports or adopt the recommendations of the Cabinet or Committees, or reports and recommendations of officers, and any consequent resolutions;
 - (e) to refer something to an appropriate body or individual;
 - (f) to appoint a Committee or Member arising from an item on the summons for the meeting;
 - (g) to withdraw a motion;
 - (h) to extend the time limit for speeches;
 - (i) to amend a motion;
 - (j) to proceed to the next business;
 - (k) to vote on a motion;
 - (l) to vote on an amendment;
 - (m) to adjourn a debate;
 - (n) to adjourn a meeting;
 - (o) to suspend a particular Council procedure rule;
 - (p) to exclude or readmit the public and press in accordance with the Access to Information Rules;
 - (q) to direct that a Member named under rule 17.3 be not further heard or to exclude them from the meeting under rule 17.4; and
 - (r) to give the consent of the Council where its consent is required by this Constitution.
- 10.2 A motion by the Chairman under paragraph 10.1(p) of these Rules, to exclude the public for an item of business, will be dealt with before any other motion on that item and will be voted on without discussion.

11. Rules of debate

11.1 No discussion until motion or amendment seconded

A motion or amendment will not be discussed or recorded in the minutes unless it has been proposed and seconded.

11.2 Motion may need to be in writing

If the Chairman requires, the motion will be put in writing before it is further discussed.

11.3 Seconded's speech

When seconding a motion or an amendment, a Member may reserve the right to speak at a later point in the debate.

11.4 Content and length of speeches

11.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

11.4.2 No speech will be longer than five minutes, except as allowed by the Council following a motion moved and carried under rule 10.1(h), and will be about the matter under discussion.

11.4.3 The five minutes time limit will not apply to a member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.

11.5 When a member may speak again

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

- (a) to speak once on an amendment moved by another member;
- (b) to move an amendment;
- (c) to move a further amendment (if the motion has been amended since he/she last spoke);
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply in accordance with paragraph 11.9 of those rules;
- (f) on a point of order in accordance with 11.12 below; and
- (g) by way of personal explanation in accordance with 11.13 below.

11.6 Amendments to motions

(a) An amendment to a motion must be relevant to the motion and will either be:-

- (i) to refer the matter to an appropriate body, forum, or individual for consideration or reconsideration;
- (ii) to leave out words;
- (iii) to leave out words and insert or add others; or
- (iv) to insert or add words;

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under consideration has been dealt with.
- (c) If an amendment is lost, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion, as amended, will take the place of the original motion and will become the actual motion upon which any further amendment may be moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, before putting it to the vote.

11.7 Alteration of motion

A Member may, with the agreement of the Chairman and without discussion:-

- (a) change a motion of which he/she has given notice under rule 9; or
- (b) with the agreement of his/her seconder, change a motion which he/she has moved;
- (c) but only alterations which could be made as an amendment in accordance with paragraph 11.6(a) of these Rules may be made.

11.8 Withdrawal of motion

- (a) A motion or an amendment may be withdrawn by the mover, but only with the consent of the seconder and the Chairman, which will be given without discussion.
- (b) No member may speak on the motion after the mover has asked for consent to withdraw it, unless consent is not given.

11.9 Right to reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion also has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this rule refers, a vote will be taken without further discussion.

11.10 Motions which may be moved during a debate

11.10.1 When a motion is being discussed, no other motion may be moved except the following (non-closure) motions:-

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) that the subject of debate:-
 - (i) be referred to the appropriate forum for consideration; or
 - (ii) be referred back to the appropriate forum for further consideration.
- (d) to exclude the public and press in accordance with the Access to Information Rules; and
- (e) that a Member be not further heard in accordance with paragraph 17.3.1 of these Rules; and
- (f) by the Chairman, in accordance with paragraph 17.4.1 of these Rules, that a named Member leave the meeting.

11.10.2 Any of the motions under paragraph 11.10.1 of these Rules will not take away from the mover of the original motion the right to reply.

11.11 **Closure motions which may be moved during a debate**

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

11.12 **Point of order**

- 11.12.1 A member may ask to make a point of order at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.
- 11.12.2 A point of order will only be about a claimed breach of a provision of these Council Procedure Rules or of law; and the member will indicate the paragraph(s) or law and the way in which he/she considers it has been broken.
- 11.12.3 The ruling of the Chairman on the matter will be final and will not be open to discussion.

11.13 Personal explanation

- 11.13.1 A member may ask to give a personal explanation at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.
- 11.13.2 A personal explanation will be confined to some material part of an earlier speech by the member which may appear to have been misunderstood in a later stage of the debate.
- 11.13.3 The ruling of the Chairman on the admissibility of a personal explanation will be final.

12. Previous decisions and motions

12.1 Motion to rescind a previous decision

A motion to overturn a decision made at a meeting of the Council within the past six months cannot be moved unless the notice of motion is signed by at least seven members. Once the motion is dealt with, no member can propose a similar motion for six months.

12.2 The restrictions contained in 12.1 do not apply to:

- (a) A recommendation contained in a referral from Cabinet or any Committee to the Council;
- (b) A recommendation contained in a report presented individually or collectively by Chief Officers.

12.3 Motion similar to one previously rejected

A motion or amendment which means the same or largely the same as one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least seven members. Once the motion or amendment is dealt with, no member can propose a similar motion or amendment for six months.

13. Voting

13.1 Simple majority

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

13.2 Chairman's casting vote

- 13.2.1 If there are equal numbers of votes for and against, the Chairman may exercise a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote.
- 13.2.2 In the case of the Chairman refraining from exercising a second vote the motion or amendment being voted on will not be carried.

13.3 Show of hands

Unless a recorded vote is demanded under paragraph 13.4.1 or required under paragraph 13.4.2 of the Rules, or there is a vote by

voting papers in accordance with Appendix 1 below, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

13.4 **Recorded vote**

13.4.1 If, before a vote is taken, a member asks that the voting be recorded and the request is supported by four other members (who will show their support by standing up):-

- (a) the officer advising the Chairman at the meeting will call the name of each member present at the meeting;
- (b) the member will say whether he or she is for or against the motion or is abstaining; and
- (c) each member's response will be recorded in the minutes.

13.4.2 There will also be a recorded vote when required by law. This includes that a recorded vote will be required at a meeting of the Council on motions, amendments or substantive motions relating to the approval of the budget or setting of council tax, whereby there shall be recorded in the minutes the names of the Members who cast a vote for the motion/amendment or against the motion/amendment or who abstained from voting. As this is a mandatory standing order under the Local Authorities (Standing Orders) Regulations 2001, it cannot be suspended under Council Procedure Rule 19.1

13.5 **Right to require individual vote to be recorded**

Where any member so requires, immediately after a vote has been taken on any matter, the minutes must record whether that member voted for or against or abstained.

13.6 **Voting on appointments (*if procedure under Appendix 1 is not used*)**

13.6.1 If there are more than two people nominated for any position to be filled and there is not an overall majority of votes in favour of one person, then the name of the person (or persons) with the fewest votes will be taken off the list and a new vote taken;

13.6.2 In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining, the above provision will not apply and the Chief Executive (or his/her representative) will draw lots to determine which of the candidates with fewest votes will proceed to the next round;

13.6.3 Where more than one position is contested (for example, there are to be two Vice-Chairmen of a committee) each position will be voted on separately; and

13.6.4 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the Chief

Executive (or his/her representative) to decide which person is elected.

14. Minutes

14.1 Approval and signing

- (a) The Chairman will sign the minutes of the proceedings, once they are confirmed as a correct record, at the next suitable meeting.
- (b) In this regard, the Chairman will seek a mover and seconder for the motion "*that the minutes of the meeting of the Council held on*" be confirmed and signed as a correct record".
- (c) There will be no discussion on the minutes, except by way of a motion upon their accuracy.

14.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting

The minutes of the preceding meeting of the Council will not be submitted to an extraordinary or special meeting of the Council for approval but will be submitted to the next ordinary meeting.

15. Record of attendance

- 15.1 All Members present during the whole or part of a meeting will, before the conclusion of such meeting, sign their names on the Attendance Register provided.

16. Exclusion of public

- 16.1 If a matter may fall within the list of exempt or confidential information set out in Section 100(A)(4) of the Local Government Act 1972, the matter will not be discussed until the Council has decided whether the public should be excluded from the meeting.
- 16.2 Members of the public may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or paragraph 18 (Disturbance by Public) of these Rules.

17. Members' conduct

17.1 One member to speak at a time

- (a) When speaking, a member will sit at his/her place and address the Chairman. If two or more members indicate to speak at the same time, the Chairman will call on one to speak; and
- (b) While a member is speaking, all other members will remain silent unless asking to make a point of order or of personal explanation.

17.2 Respect for the chair

Whenever the Chairman rises during a debate the member then speaking will stop speaking and the Council will be silent.

17.3 Member not to be heard further

17.3.1 If, at a meeting, any member, in the opinion of the Chairman, repeatedly ignores the Chairman's ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the Council, the Chairman or any other member may move "*That the member named be not further heard*" and the motion, if seconded, will be voted on without discussion.

17.4 Continuing misconduct of a named member

17.4.1 If the member named continues to behave improperly after a motion in accordance with paragraph 17.3 is carried, the Chairman will move a motion that either:-
(a) the meeting be adjourned for however long the Chairman states; or
(b) the member named leave the meeting.
If seconded, the motion will be voted on without discussion.

17.4.2 If, after a motion under paragraph 17.4.1 of these Rules has been carried, the member named does not leave the meeting, the Chairman may order the removal of the member and may adjourn the meeting without debate or resolution to enable removal to take place.

17.5 General disturbance

In the event of general disturbance among the members which, in the opinion of the Chairman, makes it impossible to carry on the meeting, the Chairman may move a motion which will be voted on without seconding or discussion, to adjourn the meeting for however long the Chairman states.

17.6 Interpretation of rules - ruling of Chairman not to be challenged

The decision of the Chairman about the meaning or use of any of these Rules, or about any proceedings of the Council, is final and may not be challenged.

17.7 Interests of members in matters under discussion

Members must observe the rules in the Members' Code of Conduct in Part 5 of this constitution. Any member declaring a disclosable pecuniary interest must leave the room where the meeting is being held for as long as the matter is being considered.

18. Disturbance by public

18.1 Removal of member of the public

If a member of the public interrupts the proceedings of any meeting, the Chairman will warn the person concerned not to interrupt. If the interruption is repeated, the Chairman will order the removal of that person from the meeting room. The Chairman may without debate or resolution adjourn the meeting to allow removal to take place.

18.2 Clearance of part of meeting room

In the case of general disturbance in any part of the meeting room open to the public the Chairman will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The Chairman may without debate or resolution adjourn the meeting to allow clearance to take place.

18.3 No re-admittance for those removed

In the case of paragraphs 18.1 and 18.2 above, any member of the public removed from a meeting following a disturbance will not be re-admitted during the remainder of that meeting.

19. Suspension and amendment of Council procedure rules

19.1 Suspension

All of these Council Rules of Procedure except Rule 13.4 and 14.1 may be suspended by motion on notice (in accordance with paragraph 9.1 of these Rules) or without notice under if at least one half of the whole number of members of the Council are present. Suspension can only be for the whole or part of the meeting at which they are suspended.

19.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council with a report and recommendation from the appropriate forum/officer.

20. Custody of seal

20.1 The Common Seal of the Council will be kept by the Assistant Director (HR, Legal and Democratic Services).

21. Arms of the Council – use or reproduction

21.1 Any application to use or reproduce the Arms granted to the Council will be referred to the Assistant Director (HR, Legal and Democratic Services), in consultation with the Chairman, and that officer will refuse or grant permission, or refer the application to the Council for a decision.

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Appendix 1

Voting by Voting Paper

1. In circumstances only, where the Council, Cabinet or a Committee/Sub-Committee/Working Group is:
 - 1.1 appointing one or more Members to some other office;
 - 1.2 appointing one or more Members to be its representative(s) on a joint board or any other body or organisation; or
 - 1.3 appointing an officer;

voting may be by voting paper if a motion to that effect is passed, having been proposed and seconded by any Members (other than the person presiding at the meeting) and voted upon immediately without discussion.

2. Where the vote is to be by voting paper the following procedure shall apply:
 - 2.1 Plain voting papers shall be distributed to every Member present at the meeting;
 - 2.2 Each Member wishing to vote shall write on his voting paper the name of one or more of the candidates in accordance with paragraphs 2.6.1 and 2.6.2 (as the case may be);
 - 2.3 The voting papers shall then be collected from each Member by officers of the Council present at the meeting and delivered to the Chief Executive (or other Officer who is advising the Chairman on the conduct of the meeting);
 - 2.4 The Chief Executive (or other Officer as the case may be) shall then count the voting papers in the presence of the Council and declare the number of votes cast for each candidate.
- 2.5 Where vote is by voting paper and there are only two candidates, each Member present at the meeting shall vote for one candidate only and the candidate securing the greatest number of votes (including, if necessary, in the case of a Committee meeting, the casting vote of the Chairman of the Committee) shall be declared and appointed to the office.
- 2.6 Where the vote is by voting paper and there are more than two candidates the following procedure shall apply:

- 2.6.1 For the first ballot each Member shall be entitled to vote for more than one candidate but to a maximum of one less than the number of candidates offering themselves for election (e.g. if there are five candidates a Member may register or vote for each separate candidate up to a maximum of four; if there are three candidates one vote may be registered for each separate candidate up to a maximum of two and so on); and the candidate receiving the lowest number of votes shall be eliminated;
- 2.6.2 The process shall be repeated for as many ballots as necessary until there are only two candidates and at that stage, the procedure described in Rule 2.5 shall apply.
- 2.7 All voting papers shall be destroyed by the Chief Executive (or other Officer as the case may be) as soon as practical after the meeting at which they have been used.

Appendix A

Forest Heath District Council Petition Scheme

1. Introduction

- 1.1 This Scheme sets out the details of how Forest Heath District Council will deal with and respond to petitions.

2. Petitions

- 2.1 The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns.
- 2.2 Petitions that meet the requirements about the number of signatories set out below can trigger a Council Debate or require specified officers of the Council to give evidence to a meeting of the Overview and Scrutiny Committee (Overview and Scrutiny Committees are committees of councillors who are responsible for scrutinising the work of the council – in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.)
- 2.3 Petitions can be received by the Council in three ways:
- (a) Petitions can be sent in writing to:

Service Manager (Democratic Services and Monitoring Officer)
Forest Heath District Council
Council Offices
College Heath Road
Mildenhall
Suffolk
IP28 7EY
 - (b) Electronic Petitions can be created, signed and submitted online by using free software that is available online. A number of websites provide this service which can be easily found by using an internet search engine.
 - (b) Petitions can also be presented to a meeting of the Council. These meetings take place about every six weeks, except in the summer, and dates and times can be found here [Calendar of Meetings](#)
- 2.4 If you would like to present your petition to the Council, or would like your councillor to present it on your behalf, please contact:

Service Manager (Democratic Services and Monitoring Officer)
Telephone: (01284) 757162
Email democratic.services@westsuffolk.gov.uk

at least 5 working days before the meeting and they will help you to arrange this.

3. What are the guidelines for submitting a petition?

3.1 A petition submitted to the Council must be about:

- (a) a service that the Council provides and include a clear and concise statement covering the subject of the petition; or
- (b) a Traffic Regulation Order (TRO) within the Forest Heath boundary.

3.2 It should state:

- (a) the contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website;
- (b) what action the petitioners wish the Council to take;
- (c) (for petitions relating to TROs), the name of the TRO in effect (eg car park or road name) and which aspects the petitioners wish to see reviewed;
- (d) the name and address and signature of any person supporting the petition;
- (e) the petition must contain the signatures of people who live, work or study in the Council's area;
- (f) the Petition must contain at least 200 signatures or those of 5% of the population of the District whichever is the less.

3.3 If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

3.4 We will not consider petitions which are considered by the Assistant Director (HR, Legal and Democratic Services) to be vexatious, abusive or otherwise inappropriate and these will not be accepted. In that case, we will write to you to explain the reasons.

3.5 If the petition does not meet these guidelines the Council may decide not to do anything further with it. In that case we will write to you to explain the reasons.

- 3.6 We cannot deal under this scheme with a petition that applies to a planning or licensing application (unless it is about the failure to deliver service in those areas, rather than a specific case), is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates. Other procedures apply (unless your petition fails to meet that requirement for those procedures) and further information on all these procedures and how you can express your views is available at www.westsuffolk.gov.uk.
- 3.7 In the period leading up to an election or referendum we may need to deal differently with your petition. If this applies we will explain the way that we will deal with the petition.
- 3.8 The Council can reject a parking petition in the following circumstances. If the petition:
- (a) requests a review of many traffic regulations over too wide an area;
 - (b) is a series of petitions from a small or non-resident group addressing a particular aspect of the parking policies over a number of areas;
 - (c) relates to a TRO where a review has taken place in the last 12 months and where there has been no significant external change.

4. What will the Council do when it receives my petition?

- 4.1 An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take. We will not take action on any petition which the Assistant Director (HR, Legal and Democratic Services) considers to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
- 4.2 When a petition is seeking the review of a parking policy, the Council will confirm the aspects of parking policy concerned, whether the review is valid and has been accepted and advise the petition organiser of the next steps.
- 4.3 To ensure that people know what we are doing in response to the petitions we receive the details of all the petitions submitted to us will be published on our website, except in cases where this would be

inappropriate. Whenever possible we will also publish all correspondence relating to the petition. **All personal details will be removed.**

5. How will the Council respond to petitions?

- 5.1 Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:
- (a) taking the action requested in the petition
 - (b) considering the petition at a Council meeting
 - (c) holding an inquiry into the matter
 - (d) undertaking research into the matter
 - (e) holding a public meeting
 - (f) holding a consultation
 - (g) holding a meeting with petitioners
 - (h) referring the petition for consideration by the Council's Overview and Scrutiny Committee
 - (i) writing to the petition organiser setting out our views about the request in the petition
- 5.2 In addition to these steps, the Council will consider all the specific actions it can legally take on the issues highlighted in a petition.

6. Petitions requesting the review of a Traffic Regulation Order (TRO)

- 6.1 The Council's wider Petition Scheme will only accept petitions with at least 20 signatures. Taking this into account, and considering the size of the Council's car parks, the minimum number of signatures that can prompt the review of a TRO is 20. Any petition received with the number of signatures below that number will be rejected as invalid.
- 6.2 TROs are reviewed annually by the Overview and Scrutiny Committee. When a petition contains 20 or more signatures, the review requested will be included as part of the review for consideration.
- 6.3 Once the petition has been accepted as valid, the petition organiser will be advised of the following:
- (a) what the review will involve;
 - (b) whether any public consultation is required;
 - (c) the likely timescale and dates of meetings when the review will be considered;
 - (d) that they will receive regular updates;
 - (e) a copy of the report to be considered by the Overview and Scrutiny Committee will be sent to the petition organiser to consider and respond to before a final decision is made.

7. Petition requiring Council debate

- 7.1 If a petition contains more than 200 signatures (or 5% of the District's population, whichever is less) it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.
- 7.2 The issue raised in the petition will be discussed at a Council meeting which all councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to:
- (a) take the action the petition requests;
 - (b) not to take the action requested for reasons put forward in the debate; or
 - (c) to commission further investigation into the matter, for example by a relevant committee.
- 7.3 The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

8. Petition requiring an officer to give evidence

- 8.1 If it contains at least 200 signatures (or 5% of the District's population whichever is less) your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. A list of the officers that can be called to give evidence is as follows:
- Chief Executive
 - Directors
 - Assistant Directors
- 8.2 For example, your petition may ask a senior council officer:
- to explain progress on an issue
 - to explain the advice given to elected members to enable them to make a particular decision.
- 8.3 The evidence will be given at a meeting of the Council's Overview and Scrutiny Committee and you will be given due notice to enable you to attend. These meetings are normally held in public but the Committee has the option to exclude the Press and Public from any part of the meeting that discusses confidential information. You should be aware that the Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. Committee members will ask the questions at this meeting,

but you will be able to suggest questions to the Chair of the Committee by contacting the Service Manager (Democratic Services and Monitoring Officer) on (01284) 757162 or email democratic.services@westsuffolk.gov.uk up to three working days before the meeting.

9. E-petitions

- 9.1 The Council welcomes petitions in electronic format. A number of websites are available that allow electronic petitions to be created and for the final petitions to be emailed to the Council. These should be sent to: democratic.services@westsuffolk.gov.uk
- 9.2 Please note that the Council is not responsible for the content of any external websites used to create e-petitions. The Council shall not be liable for how your personal data may be used by the website providers or the petition host.
- 9.3 The e-petition organiser will need to:
- (a) provide us with their name, postal address and email address; and
 - (b) state how long you would like your petition to be open for signatures (most petitions run for 6 months, but you can choose a shorter period, up to a maximum of 6 months).
- 9.4 When an e-petition has closed for signature, the petition organiser should submit it to democratic.services@westsuffolk.gov.uk for further consideration as appropriate. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your petition to the Council, or would like your councillor to present it on your behalf, please contact:

Service Manager (Democratic Services and Monitoring Officer)
Telephone: (01284) 757162 or
Email democratic.services@westsuffolk.gov.uk

within five days of the petition closing.

- 9.5 The acknowledgment and response to the e-petition will also be published on the Council's website.

10. How do I 'sign' an e-petition?

- 10.1 The free online software used will enable people wishing to 'sign' the petition free of charge by submitting their name and email address. The signer will usually receive an automatic email from the provider, asking them to confirm that they want to sign the petition.

11. What if my petition has not been dealt with properly?

- 11.1 If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny committee review the steps that the Council has taken in response to your petition. Please provide the reasons why you consider the response is not adequate to assist.
- 11.2 The Committee will endeavour to consider your request at its next meeting but may have to delay until a subsequent meeting if this is necessary to permit proper consideration. Should the Committee determine that the Council has not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Council and arranging for the matter to be considered at a meeting of the full Council.
- 11.3 Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

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Forest Heath District Council

Committee Procedure Rules

1. Terms of reference

- 1.1 The terms of reference of committees will be approved by the Cabinet or Council as appropriate.
- 1.2 Every committee will be able to propose changes to its own terms of reference for consideration by the Cabinet or Council.

2. Time and place of meetings

- 2.1 Committee and sub-committee meetings shall take place on the dates and at the times set out in the calendar of meetings approved by Council before the start of each civic year, except that:-

- a) the members of any committee or sub-committee may resolve to hold the meetings at a time that is different from that in the calendar but is the same for every meeting;
- b) the Chairman, after appropriate consultation and before the publication of the agenda for any given meeting, may alter the date, time or place of any meeting if in his or her opinion it would assist the efficient conduct of the committee or sub-committee's business;

but in all cases regard will be had to the compatibility of the date, time or place proposed with the right of the public to attend.

- 2.2 An extraordinary meeting of a committee or sub-committee may be called by:-

- a) the Chairman; or
- b) by any three members of the committee or sub-committee giving written notice to the Chief Executive specifying the business to be transacted.

- 2.3 A Chairman may cancel a committee or sub-committee meeting if he or she considers that there is insufficient business to transact or that it would assist the efficient conduct of the committee or sub-committee's business.

3. Publication and distribution of agendas

- 3.1 Notice of the time and place of any meeting will be published in accordance with the Access to Information Procedure Rules.

- 3.2 At least five clear days before a meeting, the agenda will be published electronically and made available to the public and members.
- 3.3 The agenda 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.
- 3.4 The validity of a meeting will not be affected by a member being unable to access the agenda and reports.
- 3.4 Informal meetings or panels will not be covered by the rules in this section.

4. Quorum

- 4.1 The quorum of committees, sub-committees, working parties and panels shall not be less than three members, or one third of the total membership, whichever is the greater, and will be as determined by the Monitoring Officer, having regard to that principle.
- 4.2 No business will be dealt with unless the committee or sub-committee is quorate. Any items of business that cannot be dealt with because the meeting is or becomes inquorate shall stand adjourned for consideration at the next ordinary meeting of the committee or sub-committee unless:-
 - a) the chairman and Leader agree a date and time for the meeting to continue; or
 - b) an extraordinary meeting is called in accordance with Rule 2.2 above; or
 - c) the remaining items of business are for information only and do not require a formal decision.

5. Attendance register

- 5.1 All Members present during the whole or part of a meeting will, before the conclusion of such meeting, sign their names on the Attendance Register provided.

6. Election of chairmen and vice-chairmen of committees and sub-committees

- 6.1 Except in the case of the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee (whose Chairmen and Vice-chairmen are appointed by the Council), every committee and every sub-committee will, as its first business as a newly appointed committee following each Annual Meeting of the Council, elect a Chairman and Vice-chairman.

- 6.2 The members who were Chairman and Vice-Chairman prior to the Annual Meeting will, if still in office and members of the relevant committee or sub-committee, remain in post until immediately prior to its first meeting after the Annual Meeting.
- 6.3 The Chairman and Vice-Chairman of every committee and sub-committee will be elected members of the Council.

7. Order of business

- 7.1 Unless changed in accordance with Rule 7.2 below the order of business at committee and sub-committee meetings will be:-
- (a) to elect a Chairman or to choose a member to preside if the Chairman and Vice-chairman are not present;
 - (b) to deal with any business required by law to be dealt with first;
 - (c) declaration of substitutions;
 - (d) apologies for absence;
 - (e) to confirm as a correct record and sign available minutes from previous meetings;
 - (f) public speaking in accordance with Rule 11 below;
 - (g) to receive any petitions in accordance with the Council's Petition Scheme;
 - (h) to deal with any business remaining from the last meeting in accordance with Rules 4.2 and 16.11(c);
 - (i) to receive and consider any items arising from panels, working groups or sub-committees appointed by the committee;
 - (j) other business as set out on the agenda;
 - (k) agenda items requested by members in accordance with Rules 13 and 14 below (questions on notice and motions on notice);
 - (l) to consider the date and time of the next meeting and any proposals for future agenda items under Rule 12 below.
- 7.2 The order of business except for items (a) – (e) above may be changed:-
- (a) before or at a meeting, as the Chairman sees fit; or
 - (b) by a resolution of the meeting passed on a motion under Rule 14 or Rule 15.1(c).

8. Chairing a meeting

- 8.1 Subject to paragraph 8.3, where the Chairman is not present the Vice-Chairman will, if present, chair the meeting.
- 8.2 If the Chairman and Vice-Chairman are not present at a meeting, the members present will choose one of their number to chair the meeting.

8.3 If, after the start of a meeting:-

- (a) the Chairman arrives, or
- (b) a Vice-Chairman arrives when the Chairman is not present, he or she will take the chair of the meeting after any item which is being discussed when he or she arrives has been dealt with.

9. Substitutes Powers and Duties

- 9.1 Once a substitute has been declared, he or she will have the ordinary status of a member present in his or her own right and will not be the delegate of the original member. He or she will not be able to exercise any special powers or duties exercisable by the person for whom he or she is substituting. Any disqualification of the original member to speak or vote, however, is not transferred to the substitute. Conversely, if a substitute member is disqualified to speak or vote on a particular item, he or she must declare it as if he or she were an original member.
- 9.2 If an original member arrives at a meeting at which a substitute has already been declared, the substitute will remain the member entitled to speak and vote. Once a substitution has been declared, the original member will not be entitled to attend the meeting, either as a member of the committee or sub-committee or 'by invitation' (*this is because if a substitution is declared it is on the pre-supposition that the original member has declared him or herself unable to attend the meeting*).
- 9.3 The procedure for the appointment of temporary substitutes will be in accordance with paragraph 4.1 of the Council Procedure Rules in Part 4 of this Constitution.

Substitution Rules

- 9.4 At the commencement of each meeting of a committee or sub-committee (or upon arrival, if arriving late) each member substituting for another member will declare the said substitution.
- 9.5 Once a substitute has been declared as present in place of a member for a meeting of that committee or sub-committee, that substitute will take the place of the member and will be able to speak and vote (subject to the declaration of any interests, as is usual practice).
- 9.6 Once a substitute has declared that he or she is substituting for another member, the original member will not be able to replace the substitute member during the course of the meeting. If the substitute member leaves the meeting during the course of the meeting, the original member will not be allowed to attend and vote in place of the substitute.

- 9.7 If, at the commencement of the meeting, the original member is present, then a substitution cannot take place.
- 9.8 Any original member of a committee may seek a substitute from any of those on the appointed list of substitutes for that committee or sub-committee, provided that they are from the same political group to maintain political balance.
- 9.9 No substitute member has the automatic right to substitute for another member who is not present; it is for the original member to select a substitute in accordance with paragraph 9.8 above.
- 9.10 Substitute members cannot be appointed to attend meetings for a member who ceases to no longer be a member of the Council (ie by way of resignation, disqualification or death in service).

10. Attending and speaking at committee and sub-committee meetings

- 10.1 Except as provided in Rules 10.2 – 10.5 below, a member of the Council shall not be entitled to speak or vote at a meeting of any committee or sub-committee unless he or she is a member of that committee or sub-committee.
- 10.2 Where a motion stands referred to a committee or sub-committee the mover and/or the seconder of the motion may attend the meeting which is to consider the motion and take part in any discussion about it, but cannot vote unless a member of the committee or sub-committee.
- 10.3 A member may be invited by the Chairman to attend the meeting specifically to comment on an item of business or because the item of business affects his or her Ward.
- 10.4 A member who is not a member of a committee or sub-committee but who wishes to speak at a meeting of that body will be permitted to do so if he or she has indicated in advance to the chairman that he or she wishes to speak on a particular agenda item.
- 10.5 The Chairman may at his or her discretion allow non-members of the committee or sub-committee to speak in situations not falling within 10.2 – 10.4 above.

11. Public speaking

- 11.1 Members of the public who live or work in the District are welcome to speak at any open meeting of a committee or sub-committee. They may ask a question or make a statement on any item on the agenda for that meeting.
- 11.2 A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done

online by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01284 757176/01638 719363 or in person by telling the Committee Administrator present at the meeting.

- 11.3 The Service Manager (Democratic Services and Monitoring Officer) in respect of any question notified before the meeting, or the Chairman, in respect of any question notified at the meeting, may reject a question if it:-
- (a) is not about a matter for which the Council has a responsibility or which affects the District;
 - (b) is defamatory, frivolous or offensive;
 - (c) is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
 - (d) requires the disclosure of confidential or exempt information.
- 11.4 There will be an overall time limit of 15 minutes for public speaking, which may be extended at the Chairman's discretion. Speakers will be called in the order in which they gave notice. Each person may ask one question or make one statement and will be allowed up to three minutes. If the question can be answered orally at the meeting it will be, and the question and answer will be summarised in the minutes. Questions that cannot be answered immediately will be answered in writing to the questioner, distributed to all members of the committee or sub-committee and published on the Council's website. If a question is asked and answered within three minutes, the person who asked the question may ask a supplementary question that arises from the reply which may be answered orally or in writing as above.
- 11.5 These public speaking rules do not apply to meetings of the Development Control Committee, as the Committee has its own authority to determine from time to time, its own arrangements for public speaking on applications, and which matters are to be included within those arrangements (see Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council Functions; A - Development Control; paragraph 4.2 and as set out in the ['Guide to Having a Say on Planning Applications'](#) .
- 11.6 These public speaking rules do not apply to meetings of the Licensing and Regulatory Committee, when the Committee sits as a hearing, in which case the Hearing Procedure Rules will apply (see Part 3 – Functions and Responsibilities; Section 2 – Responsibility for Council Functions; B-Licensing; paragraph 4.1 and Appendix A).

12. Agenda items requested by members

- 12.1 Any member of a committee or sub-committee may propose under Rule 7.1(l) above an item to be considered at a future meeting of that committee or sub-committee. The member shall give notice of such items to the chairman and to the Service Manager

(Democratic Services and Monitoring Officer) no later than noon seven working days before the date of the meeting (not including the day of the meeting) together with a brief explanation of the item and its purpose, which will then be published on the agenda.

- 12.2 To be eligible for consideration, the item proposed must fall within the terms of reference or the delegated powers of the committee or sub-committee.
- 12.3 The member shall present his or her proposal to the committee or sub-committee and may be questioned on it before the committee or sub-committee resolves whether or not to refer the matter to a future meeting for report and consideration in the usual way.

13. Questions on notice

13.1 Subject to paragraph 13.5 below, a member may submit in writing to the Service Manager (Democratic Services and Monitoring Officer) a question on notice for:-

- (a) the Chairman; or
- (b) the Chairman of any sub-committee

on any matter in relation to which the committee or sub-committee has powers or duties.

13.2 A Member may ask only one question on notice under 13.1 at each meeting and:-

- a) must submit it in writing to the Service Manager (Democratic Services and Monitoring Officer) no later than noon seven working days before the meeting, not counting the day of the meeting; or
- b) if the question is urgent and the member has the consent of the member to whom the question is to be put, must submit it in writing to the Service Manager (Democratic Services and Monitoring Officer) by noon on the working day before the meeting.

13.3 Every question on notice will be answered without discussion. The member who is asked the question on notice may ask another member to answer. An answer may take the form of:-

- (a) a direct oral answer summarised in the minutes;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given orally at the meeting, a written answer sent by the appropriate officer and/or relevant member to all members within five working days of the meeting.

- 13.4 A member asking a question on notice under paragraph 13.1 may ask one supplementary question, without notice, of a member to whom the first question was asked. The supplementary question must arise directly from the original question or the reply. The total time allowed for each question, including any supplementary question, to be put and answered will be ten minutes.
- 13.5 If the member who gave notice of the question is not present at the meeting, any other member may ask that question but if that does not occur the Chairman shall proceed to the next item of business. The question shall be deemed to have been withdrawn and may not be asked unless notice is given again in accordance with 13.1 above.

14. Motions which need written notice

- 14.1 Except for motions which can be moved without notice under Rule 15, written notice of every motion must be delivered to the Service Manager (Democratic Services and Monitoring Officer) no later than noon seven working days before the meeting, not counting the day of the meeting. Motions must be about matters for which the committee or sub-committee has a responsibility.
- 14.2 Each member may put one motion on notice at each meeting.
- 14.3 All motions on notice received under 14.1 will be set out in the agenda in the order in which they have been received.
- 14.4 A member may withdraw a motion on notice at any time.
- 14.5 A motion on notice under 14.1 can be moved at the meeting by any member. If the motion on notice is not moved, it will be treated as withdrawn and may not be moved without another notice in accordance with 14.1 above.
- 14.6 Any motion on notice under paragraph 14.1 of these rules, on being moved and seconded, will usually, without discussion, be referred to a future meeting for report and consideration. The Chairman may, if he or she considers it appropriate, allow the motion to be dealt with at the meeting at which it is moved and seconded provided that the motion, if carried, would not involve the council in expenditure not included in the council's approved revenue or capital budget.

15. Motions and amendments which may be moved without notice

- 15.1 The following motions and amendments may be moved without notice:-
- (a) to appoint a Chairman of the meeting at which the motion is moved;

- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to receive the reports or adopt the recommendations of any sub-committees, or reports and recommendations of officers, and any consequent resolutions;
- (e) to refer something to an appropriate body or individual;
- (f) to withdraw a motion;
- (g) to extend the time limit for speeches;
- (h) to suspend any of these rules for the whole or part of the meeting;
- (i) to amend a motion;
- (j) to proceed to the next business;
- (k) to vote on a motion;
- (l) to vote on an amendment;
- (m) to adjourn a debate;
- (n) to adjourn a meeting;
- (o) to exclude or re-admit the public and press in accordance with the Access to Information Rules;
- (p) to direct that a member named under Rule 20.3 be not further heard or to exclude them from the meeting under Rule 20.4.

15.2 A motion by the Chairman under paragraph 15.1(o) of these rules, to exclude the public for an item of business, will be dealt with before any other motion on that item and will be voted on without discussion.

16. Rules of debate

16.1 No discussion until motion or amendment seconded

A motion or amendment will not be discussed or recorded in the minutes unless it has been proposed and seconded.

16.2 Motion may need to be in writing

If the Chairman requires, the motion will be put in writing before it is further discussed.

16.3 Seconded's speech

When seconding a motion or an amendment, a member may reserve the right to speak at a later point in the debate.

16.4 Content and length of speeches

16.4.1 Speeches must be directed to the question under discussion or to a personal explanation or point of order.

16.4.2 No speech will be longer than five minutes, except as allowed by the committee or sub-committee following a motion moved and carried under rule 15.1(g), and will be about the matter under discussion.

16.4.3 The five minutes time limit will not apply to a member proposing a motion, or an amendment to a motion, who will be allowed to speak for no longer than ten minutes.

16.5 **When a member may speak again**

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

- (a) to speak once on an amendment moved by another member;
- (b) to move an amendment;
- (c) to move a further amendment (if the motion has been amended since he/she last spoke);
- (d) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);
- (e) in exercise of a right of reply in accordance with paragraph 16.9 of those rules;
- (f) on a point of order in accordance with 16.12 below; and
- (g) by way of personal explanation in accordance with 16.13 below.

16.6 **Amendments to motions**

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

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

- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under consideration has been dealt with.
- (c) If an amendment is lost, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion, as amended, will take the place of the original motion and will become the actual motion upon which any further amendment may be moved.
- (e) After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendments, or if there are none, before putting it to the vote.

16.7 **Alteration of motion**

A Member may, with the agreement of the Chairman, and without discussion:-

- (a) change a motion of which he/she has given notice under rule 13; or
- (b) with the agreement of his/her seconder, change a motion which he/she has moved;
- (c) but only alterations which could be made as an amendment in accordance with paragraph 16.6(a) of these Rules may be made.

16.8 **Withdrawal of motion**

- (a) A motion or an amendment may be withdrawn by the mover, but only with the consent of the seconder and the Chairman, which will be given without discussion.
- (b) No member may speak on the motion after the mover has asked for consent to withdraw it, unless consent is not given.

16.9 **Right to reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion also has the right of reply at the end of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.
- (d) A reply under this paragraph will be confined to matters raised in the debate on the motion or amendment.
- (e) After every reply to which this rule refers, a vote will be taken without further discussion.

16.10 **Motions which may be moved during a debate**

16.10.1 When a motion is being discussed, no other motion may be moved except the following (non-closure) motions:-

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) that the subject of debate:-
 - (i) be referred to the appropriate forum for consideration; or
 - (ii) be referred back to the appropriate forum for further consideration.
- (d) to exclude the public and press in accordance with the Access to Information Rules; and
- (e) that a member be not further heard in accordance with Rule 20.3.1; and
- (f) by the Chairman, in accordance with Rule 20.4.1, that a named member leave the meeting.

16.10.2 Any of the motions under paragraph 16.10.1 of these rules will not take away from the mover of the original motion the right to reply.

16.11 Closure motions which may be moved during a debate

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

16.12 Point of order

16.12.1 A member may ask to make a point of order at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.

16.12.2 A point of order will only be about a claimed breach of a provision of the committee procedure rules or of law; and the member will indicate the paragraph(s) or law and the way in which he/she considers it has been broken.

16.12.3 The ruling of the Chairman on the matter will be final and will not be open to discussion.

16.13 Personal explanation

16.13.1 A member may ask to give a personal explanation at any time and will have the right to be heard at once, but will stay silent until asked by the Chairman to speak.

16.13.2 A personal explanation will be confined to some material part of an earlier speech by the member which may appear to have been misunderstood in a later stage of the debate.

16.13.3 The ruling of the Chairman on the admissibility of a personal explanation will be final.

17. Approval and signing of minutes

17.1.1 The Chairman will sign the minutes of the proceedings, once they are confirmed as a correct record, at the next suitable meeting.

17.1.2 In this regard, the Chairman will seek a mover and seconder for the motion "*that the minutes of the meeting of the meeting held on be confirmed and signed as a correct record*".

17.1.3 There will be no discussion on the minutes, except by way of a motion upon their accuracy.

17.2 No requirement to sign minutes of previous meeting at extraordinary or special meeting

The minutes of the preceding meeting of the committee or sub-committee may be submitted to an extraordinary or special meeting of that body for approval if convenient and practicable to do so but otherwise will be submitted to the next ordinary meeting.

17.3 Content of minutes

Recommendations

17.3.1 Every decision of a committee which is not within its delegated authority will be indicated by the word "RECOMMENDED", and will require Council approval.

Decisions

17.3.2 Every decision of a committee which is within its delegated authority will be indicated by the word "RESOLVED".

17.3.3 The recommendations of a meeting of a sub-committee will be sent to the next convenient meeting of the parent committee.

18. Voting

18.1 Simple majority

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

18.2 Chairman's casting vote

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

18.2.2 In the case of the Chairman refraining from exercising a second vote the motion or amendment being voted on will not be carried.

18.3 Show of hands

Unless a recorded vote is demanded under paragraph 18.4 of the Rules, or there is a vote by voting papers in accordance with Appendix 1 below, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

18.4 Recorded vote

18.4.1 If, before a vote is taken, a member asks that the voting be recorded and the request is supported by four other members (who will show their support by standing up):-

- (a) the officer advising the Chairman at the meeting will call the name of each member present at the meeting;
- (b) the member will say whether he or she is for or against the motion or is abstaining; and
- (c) each member's response will be recorded in the minutes.

18.4.2 There will also be a recorded vote when required by law.

18.5 Right to require individual vote to be recorded

Where any member so requires, immediately after a vote has been taken on any matter, the minutes must record whether that member voted for or against or abstained.

18.6 Voting on appointments (*if procedure under Appendix 1 is not used*)

18.6.1 If there are more than two people nominated for any position to be filled and there is not an overall majority of votes in favour of one person, then the name of the person (or persons) with the fewest votes will be taken off the list and a new vote taken;

18.6.2 In the event that the removal of persons jointly having fewest of votes would result in only one candidate remaining, the above provision will not apply and the officer advising the chairman at the meeting will draw lots to determine which of the candidates with fewest votes will proceed to the next round;

18.6.3 Where more than one position is contested (for example, there are to be two vice-chairmen of a committee) each position will be voted on separately; and

18.6.4 In the event of there being an equality of votes for the final two candidates, lots will be drawn by the officer advising the Chairman at the meeting to decide which person is elected.

19. Exclusion of public

- 19.1 If a matter may fall within the list of exempt or confidential information set out in Section 100(A)(4) of the Local Government Act 1972, the matter will not be discussed until the meeting has decided whether the public should be excluded from the meeting.
- 19.2 Members of the public may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

20. Members' conduct

20.1 One member to speak at a time

- (a) When speaking, a member will sit at his/her place and address the Chairman. If two or more members indicate to speak at the same time, the Chairman will call on one to speak; and
- (b) While a member is speaking, all other members will remain silent unless asking to make a point of order or of personal explanation.

20.2 Respect for the chair

Whenever the Chairman rises during a debate the member then speaking will stop speaking and the meeting will be silent.

20.3 Member not to be heard further

- 20.3.1 If, at a meeting, any member, in the opinion of the Chairman, repeatedly ignores the Chairman's ruling or behaves irregularly, improperly or offensively, or wilfully obstructs the business of the meeting, the Chairman or any other member may move "That the member named be not further heard"
and the motion, if seconded, will be voted on without discussion.

20.4 Continuing misconduct of a named member

- 20.4.1 If the member named continues to behave improperly after a motion in accordance with paragraph 20.3 is carried, the Chairman will move a motion that either:-

- (a) the meeting be adjourned for however long the Chairman states; or
- (b) the member named leave the meeting.

If seconded, the motion will be voted on without discussion.

- 20.4.2 If, after a motion under paragraph 20.4.1 of these Rules has been carried, the member named does not leave the meeting, the Chairman may order the removal of the member and may adjourn the meeting without debate or resolution to enable removal to take place.

20.5 General disturbance

In the event of general disturbance among the members which, in the opinion of the Chairman, makes it impossible to carry on the meeting, the Chairman may move a motion which will be voted on without seconding or discussion, to adjourn the meeting for however long the Chairman states.

20.6 Interpretation of rules - ruling of Chairman not to be challenged

The decision of the Chairman about the meaning or use of any of these rules, or about any proceedings of the committee or sub-committee, is final and may not be challenged.

20.7 Interests of members in matters under discussion

Members must observe the rules in the Members' Code of Conduct in Part 5 of this Constitution. Any member declaring a disclosable pecuniary interest must leave the room where the meeting is being held for as long as the matter is being considered.

21. Disturbance by public

21.1 Removal of member of the public

If a member of the public interrupts the proceedings of any meeting, the Chairman will warn the person concerned not to interrupt. If the interruption is repeated, the Chairman will order the removal of that person from the meeting room. The Chairman may without debate or resolution adjourn the meeting to allow removal to take place.

21.2 Clearance of part of meeting room

In the case of general disturbance in any part of the meeting room open to the public the Chairman will give a warning and if the disturbance continues will order that part to be cleared, but may identify persons who may remain. The Chairman may without debate or resolution adjourn the meeting to allow clearance to take place.

21.3 No re-admittance for those removed

In the case of paragraphs 21.1 and 21.2 above, any member of the public removed from a meeting following a disturbance will not be re-admitted during the remainder of that meeting.

22. Suspension and amendment of committee procedure rules

22.1 Suspension

All of these Committee Procedure Rules except Rule 18.4 (recorded vote) may be suspended by motion on notice (in accordance with Rule 14.1) or without notice under if at least one half of the whole number of members of the committee or sub-committee are present. Suspension can only be for the whole or part of the meeting at which they are suspended.

22.2 **Amendment**

Any motion to add to, vary or revoke these Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the committee or sub-committee with a report and recommendation from the appropriate forum/officer.

Appendix 1

Voting by Voting Paper

1. In circumstances only, where the Cabinet or a Committee/Sub-Committee/Working Group is:

- 1.1 appointing one or more members to some other office;

- 1.2 appointing one or more members to be its representative(s) on a joint board or any other body or organisation; or

- 1.3 appointing an officer;

voting may be by voting paper if a motion to that effect is passed, having been proposed and seconded by any members (other than the person presiding at the meeting) and voted upon immediately without discussion.

2. Where the vote is to be by voting paper the following procedure shall apply:

- 2.1 Plain voting papers shall be distributed to every member present at the meeting;

- 2.2 Each member wishing to vote shall write on his voting paper the name of one or more of the candidates in accordance with paragraphs 2.6.1 and 2.6.2 (as the case may be);

- 2.3 The voting papers shall then be collected from each member by officers of the Council present at the meeting and delivered to the Chief Executive (or other officer who is advising the Chairman on the conduct of the meeting);

- 2.4 The Chief Executive (or other officer as the case may be) shall then count the voting papers in the presence of the Council and declare the number of votes cast for each candidate.

- 2.5 Where the vote is by voting paper and there are only two candidates, each member present at the meeting shall vote for one candidate only and the candidate securing the greatest number of votes (including, if necessary, in the case of a Committee meeting, the casting vote of the Chairman of the Committee) shall be declared and appointed to the office.

- 2.6 Where the vote is by voting paper and there are more than two candidates the following procedure shall apply:
- 2.6.1 For the first ballot each member shall be entitled to vote for more than one candidate but to a maximum of one less than the number of candidates offering themselves for election (e.g. if there are five candidates a member may register one vote for each separate candidate up to a maximum of four; if there are three candidates one vote may be registered for each separate candidate up to a maximum of two and so on); and the candidate receiving the lowest number of votes shall be eliminated;
- 2.6.2 The process shall be repeated for as many ballots as necessary until one candidate has an absolute majority ie more votes than all the other candidates put together.
- 2.7 All voting papers shall be destroyed by the Chief Executive (or other Officer as the case may be) as soon as practical after the meeting at which they have been used

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Forest Heath District Council

Cabinet Procedure Rules

1. How does the Cabinet operate?

1.1 Executive functions

The Cabinet is the Council's executive body and is responsible for carrying out those functions which by law or under this constitution are designated as "executive functions".

The arrangements for the discharge of executive functions are set out in Article 6. The arrangements may provide for executive functions to be discharged by:-

- (a) the Cabinet as a whole;
- (b) a committee of the Cabinet;
- (c) an individual member of the Cabinet;
- (d) an officer;
- (e) an area committee;
- (f) joint arrangements; or
- (g) another local authority.

1.2 Sub-delegation of executive functions

- (a) Where the Cabinet, a committee of the Cabinet or an individual member of the Cabinet is responsible for an executive function, they may delegate further to an officer or by joint arrangements.
- (b) Even where executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

1.3 Delegation of executive functions

- (a) Subject to (b) below, the delegation of executive functions will be as adopted by the Council and set out in Part 3 of this Constitution.
- (b) In particular, the Leader and the Leader of St Edmundsbury Borough Council, have jointly delegated decisions of the Cabinet as a whole to a Joint Executive (Cabinet) Committee.
- (c) The Leader may amend the delegations to individual Cabinet members (Portfolio Holders) relating to executive functions at any time during the year by giving written notice to the Monitoring Officer and to the person, body or committee concerned. The notice must set out the extent of the

amendment to the scheme of delegation and whether it entails the withdrawal of delegation from any person, body, committee or the Cabinet as a whole. The appropriate amendments to the constitution will be made by the Monitoring Officer.

- (d) Where the Cabinet seeks to withdraw delegation from a committee, notice will be deemed to be served on that committee when the Leader has served it on its chairman.

Meetings of the Joint Cabinet

1.5 Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leaders of Forest Heath District Council and St Edmundsbury Borough Council ("the Leaders") at the main offices of either Council or another location to be agreed by the Leaders and will be held in public except in accordance with the Access to Information Procedure Rules. It shall normally be expected that the meetings will rotate between each Council's main office. Notice of the dates and times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

1.6 Quorum

The quorum for a meeting of the Joint Cabinet, or a committee of it, shall be six, to include at least three of the total number of members of each Cabinet.

1.7 How are decisions to be taken by the Cabinet?

- (a) Executive decisions which have been delegated to the Joint Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules.
- (b) Where executive decisions are delegated to a committee of the Joint Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

2. How are executive meetings conducted?

2.1 Who presides?

The Leader of the Council at whose Offices the meeting is taking place, or in their absence the Leader of the other Council, will preside at any meeting of the Joint Cabinet or its Committees at which they are present. In the absence of both Leaders, the Chairman shall be determined in the order of the Deputy Leader of the Council at which the meeting is taking place, then the other

Deputy Leader and, if all are not present, the members of the Cabinet who are present shall choose a member to preside.

2.2 **Who may attend?**

2.1.1 The public may attend in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of the public who live or work in the District may speak or ask a question in accordance with the provisions for public speaking in the Committee Procedure Rules.

2.1.2 Any member of either Forest Heath District Council or St Edmundsbury Borough Council who is not a member of the Joint Cabinet may attend a meeting of the Joint Cabinet. They can speak only:

- (a) to ask a question in accordance with Rule 2.4.1 below;
- or
- (b) if invited to by the person presiding.

2.3 **What business?**

At each meeting of the Joint Cabinet or a Committee of the Joint Cabinet the following business will be conducted:-

- (a) Apologies for absence;
- (b) Confirm as a correct record and sign the minutes of the last meeting;
- (c) "Open forum" in accordance with Rule 2.4 below;
- (d) public speaking/questions in accordance with Rule 11 of the Committee Procedure Rules;
- (e) The receipt of any petitions (submitted and presented in accordance with either Council's Petition Scheme);
- (f) Matters referred to the Joint Cabinet, whether by either Overview and Scrutiny Committee, either Performance and Audit Scrutiny Committee, or by either Council for reconsideration in accordance with the provisions contained in either Overview and Scrutiny Procedure Rules or either Budget and Policy Framework Procedure Rules;
- (g) Consideration of reports from either Overview and Scrutiny Committee or either Performance and Audit Scrutiny Committee; and
- (h) Matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of both Councils' Constitutions.

2.4 **Open Forum**

2.4.1 At each Joint Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session

may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

2.5 Who can put items on the Cabinet agenda?

- 2.5.1 Normally, the Leaders will decide upon the schedule for the meetings of the Joint Cabinet.
- 2.5.2 An item will be placed on the agenda of the next available meeting of the Joint Cabinet where either Overview and Scrutiny Committee, either Performance and Audit Scrutiny Committee or either full Council have resolved that an item be considered by the Joint Cabinet. There will be a standing item on the agenda of each meeting of the Joint Cabinet for matters referred by the Overview and Scrutiny and Performance and Audit Scrutiny Committees.
- 2.5.3 The Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Joint Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer and Monitoring Officer are of the opinion that a meeting of the Joint Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Joint Cabinet meeting. If there is no meeting of the Joint 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.

2.6 Meetings of Cabinet

- 2.6.1 The Leader may serve notice on the Leader of St Edmundsbury Borough Council that they do not intend that the decision, or the service, should be delegated to the Joint Committee and may, instead, either be undertaken by the Leader or by the Forest Heath Cabinet, acting as a whole.
- 2.6.2 Where the Forest Heath Cabinet as a whole is meeting to determine a matter, the following rules of procedure should apply.

2.7 Forest Heath Cabinet Meetings

The Cabinet will meet at times to be agreed by the Leader at the Council's main offices or another location to be agreed by the Leader and will be held in public except in accordance with the Access to Information Procedure Rules. Notice of the dates and

times of meetings, and their agendas, will be published in accordance with the Access to Information Procedure Rules.

2.8 Quorum

The quorum for a meeting of the Cabinet, or a committee of it, shall be one third of the total number of members of the Cabinet (including the Leader) or three, whichever is the larger.

2.9 How are decisions to be taken by the Cabinet?

- (a) Executive 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.
- (b) Where executive decisions are delegated to a committee of the Cabinet, the rules applying to executive decisions taken by them shall be the same as those applying to those taken by the Cabinet as a whole.

3. How are executive meetings conducted?

3.1 Who presides?

The Leader, or in their absence, any Deputy Leader, will preside at any meeting of the Cabinet or its Committees which they are present. In the absence of the Leader and Deputy Leader the members of the Cabinet who are present shall choose a member to preside.

3.2 Who may attend?

3.2.1 The public may attend in accordance with the Access to Information Rules in Part 4 of this Constitution. Members of the public who live or work in the District may speak or ask a question in accordance with the provisions for public speaking in the Committee Procedure Rules.

3.2.2 Any member of the Council who is not a member of the Cabinet may attend a meeting of the Cabinet. They can speak only:

- (a) to ask a question in accordance with Rule 3.4.1 below;
or
- (b) if invited to by the person presiding.

3.3 What business?

At each meeting of the Cabinet or a Committee of the Cabinet the following business will be conducted:-

- (a) Apologies for absence;

- (b) Confirm as a correct record and sign the minutes of the last meeting;
- (c) "Open forum" in accordance with Rule 3.4 below;
- (d) Public speaking/questions in accordance with Rule 11 of the Committee Procedure Rules;
- (e) The receipt of any petitions (submitted and presented in accordance with the Council's Petition Scheme);
- (f) Matters referred to the Cabinet, whether by the Overview and Scrutiny Committee, the Performance and Audit Scrutiny Committee, or by the Council for reconsideration in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules;
- (g) Consideration of reports from the Overview and Scrutiny Committee or the Performance and Audit Scrutiny Committee; and
- (h) Matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of this Constitution.

3.4 Open Forum

3.4.1 At each Cabinet meeting up to fifteen minutes shall be allocated for questions from and discussion with non-Cabinet members. Members wishing to speak during this session may, but do not have to, give notice in advance. Who speaks and for how long will be at the complete discretion of the person presiding.

3.5 Who can put items on the Cabinet agenda?

3.5.1 Normally, the Leader will decide upon the schedule for the meetings of the Cabinet. Matters may only be considered by the Cabinet, or referred to the Cabinet, where they relate to functions or decisions the Leader has confirmed should not be determined by the Joint Cabinet.

3.5.2 Subject to 3.5.1, an item will be placed on the agenda of the next available meeting of the Cabinet where the Overview and Scrutiny Committee, the Performance and Audit Scrutiny Committee or the full Council have resolved that an item be considered by the Cabinet.

3.5.3 Subject to 3.5.1, the Monitoring Officer and/or the Chief Finance Officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance 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

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.

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Forest Heath District Council

Overview and Scrutiny Committees Procedure Rules

A. OVERVIEW AND SCRUTINY COMMITTEE

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

- 1.1 The Council will have one Overview and Scrutiny Committee as set out in Article 7 and will appoint to it annually. The Committee may appoint panels or 'task and finish' groups for fixed periods to consider specific issues.
- 1.2 The Committee will consist of a maximum of 10 members of the Council. The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Overview and Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.
- 1.3 The terms of reference of the Overview and Scrutiny Committee will be:-
 - (a) the performance of all overview and scrutiny functions on behalf of the Council (explained in Article 7 of this Constitution) and as set out in section 9F of the Local Government Act 2000;
 - (b) to receive the draft West Suffolk Annual Report from the Leaders or representative(s) of Cabinet either prior to the commencement of each financial year or at its first meeting after each Annual Council Meeting. Should major developments such as a change of Leader occur following the Annual Meeting in May resulting in a change to the Cabinet's priorities, a revised report may be re-submitted at the Committee's first meeting in the civic year;
 - (c) to approve a rolling overview and scrutiny work programme, including the programme of any panels or groups it appoints, so as to ensure that the Committee's and panels' or groups' time is effectively and efficiently utilised;
 - (d) to put in place a system to ensure that referrals from Overview and Scrutiny to the Cabinet, either by way of report or for reconsideration, are managed efficiently;
 - (e) in the event of the volume of reports to the Cabinet creating difficulty for the management of Cabinet business or

jeopardising the efficient running of Council business, at the request of the Cabinet, to make decisions about the priority of referrals made;

- (f) to act as the crime and disorder committee for the purposes of Section 19 of the Police and Justice Act 2006 and associated regulations, and accordingly:-
 - (i) to scrutinise the actions undertaken by the Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the Partnership itself; and
 - (ii) to make reports or recommendations to the Council and partner organisations with respect to the discharge of those functions.
- (g) to consider local crime and disorder matters in accordance with the Councillor Call for Action Protocol;
- (h) to work collaboratively, as may be appropriate, with the scrutiny function of other local authorities to fulfil the crime and disorder scrutiny function;
- (i) to advise on the development of new policy in accordance with its agreed work programme;
- (j) to advise, where appropriate, on corporate projects and strategies;
- (k) to appoint informal member panels and 'task and finish' groups to assist the work of the Committee; and
- (l) to review annually the work and Constitution of such Panels and Working Parties.

1.4 As a general principle for its work programme, wherever the subject matter is common and relevant to both Forest Heath and St Edmundsbury, the Committee will make invitations to and consider invitations from the other authority's Overview and Scrutiny Committee to carry out joint scrutiny reviews for West Suffolk.

2. Who may sit on the Overview and Scrutiny Committee?

2.1 All Councillors, except members of the Cabinet, may be members of the Overview and Scrutiny Committee. However, no member may be involved in scrutinising a decision in which he or she has been directly involved.

3. Co-optees

3.1 The Overview and Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as

non-voting co-optees. Panels and working groups of the Committee may appoint non-voting co-optees to assist with specific reviews.

4. Meetings of the Overview and Scrutiny Committee

- 4.1 The Committee shall have meetings programmed approximately every 6 weeks (i.e. normally, there will be up to 8 ordinary meetings of the Overview and Scrutiny Committee in each year).
- 4.2 Meetings will be conducted in accordance with the Committee Procedure Rules unless there are specific exceptions in these Overview and Scrutiny Committees Procedure rules.

5. Who chairs Overview and Scrutiny Committee meetings?

- 5.1 Following discussions between Group Leaders, the Chairman and Vice-Chairman of the Overview and Scrutiny Committee will be appointed by the Council. In the event that there is a majority group within the Council, it will be desirable for:-
 - (a) the Overview and Scrutiny Committee to be chaired by a Member who is not a Member of the Majority group; and
 - (b) the Vice-Chairman of the Overview and Scrutiny Committee to be a Member of the Majority group.
- 5.2 The Chairman and Vice-Chairman will hold office until:-
 - (a) he/she resigns from the office of Chairman or Vice-Chairman; or
 - (b) he/she is no longer a Councillor; or
 - (c) the next Annual Meeting of the Council save that the Council may remove the Chairman or Vice-Chairman at an earlier date but only in the event of a change in the political control of the Council.
- 5.3 Upon the occurrence of a vacancy in the office of Chairman or Vice-Chairman, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chairman and/or Vice-Chairman in the event of a change in the political control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 6.2 above.

6. Work programme

- 6.1 The Overview and Scrutiny Committee will be responsible for setting its own work programme and in doing so it shall take into account the wishes of members of the Committee.

7. Agenda items

- 7.1 Any member of the Council shall be entitled to give notice to the Scrutiny Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Scrutiny Officer will ensure that it is included on the next available agenda. The request must be by way of the 'suggestion for scrutiny work programme' form, in order to ensure the Committee has all the information it needs to decide whether to take the issue forward.
- 7.2 The Overview and Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet, and the Performance and Audit Scrutiny Committee to review particular areas of Council activity. Where it does so, the Overview and Scrutiny Committee shall report its findings and any recommendations back to the Cabinet and/or Council. The Council and/or the Cabinet shall consider the report of the Overview and Scrutiny Committee at its next meeting.

8. Policy review, service development and performance management

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

9. Reports from Overview and Scrutiny committee

- 9.1 Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee will prepare a formal report and submit it to the Scrutiny Officer for consideration by the Cabinet (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate

(e.g. if the recommendation would require a departure from or a change to the agreed budget and policy framework).

- 9.2 The Chairman, or in his/her absence, the Vice-Chairman of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a panel or working group, the report to the Cabinet and/or Council can also be made by the chairman or vice-chairman of the panel/working group.
- 9.3 If the Overview and Scrutiny Committee cannot agree on one single final report to the Council or Cabinet as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Cabinet with the majority report.
- 9.4 The Council or Cabinet shall consider the report of the Overview and Scrutiny Committee at the next available meeting.

10. Making sure that overview and scrutiny reports are considered by the cabinet

- 10.1 Once the Overview and Scrutiny Committee has completed its deliberations on any matter it will forward a copy of its final report to the Scrutiny Officer who will allocate it to either or both the Cabinet and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Scrutiny Officer refers the matter to Council, he/she will also serve a copy on the Leader with notice that the matter is to be referred to Council. The Cabinet must be given the opportunity to respond to the Overview and Scrutiny report before the Council meets to consider it. When the Council does meet to consider any referral from the Overview and Scrutiny Committee on a matter which would impact on the budget and policy framework, it shall also consider the response of the Cabinet to the Overview and Scrutiny proposals.
- 10.2 The agenda for Cabinet meetings shall include an item entitled 'Issues arising from Overview and Scrutiny'. Any reports of the Overview and Scrutiny Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 10.3 The Overview and Scrutiny Committee will in any event have access to the Cabinet's Decision Plan and timetable for decisions. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny Committee following a consideration of possible policy/service developments, the Committee will at least be able to respond in the course of the Cabinet's consultation process in relation to any key decision.

11. Rights of Overview and Scrutiny Committee members to documents

- 11.1 In addition to their rights as Councillors, members of the Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings, as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 11.2 Nothing in this paragraph prevents more detailed liaison between the Cabinet and the Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

12. Members and officers giving account

12.1 The Overview and Scrutiny Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Cabinet, the Head of Paid Service and/or any chief officer to attend before it to explain in relation to matters within its remit:-

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Council policy; and/or
- (c) their performance

and it is the duty of those persons to attend, or send an appropriate substitute, if so required.

- 12.2 Where any member or officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of the Committee will inform the Scrutiny Officer. The Scrutiny Officer shall inform the member or officer in writing, giving at least 5 working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the Member or officer concerned will be given sufficient notice to allow for preparation of that documentation.
- 13.3 Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the Overview and Scrutiny Committee shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 10 working days from the date of the original request.

13. Attendance by others

13.1 The Overview and Scrutiny Committee may invite people other than those people referred to in paragraph 12.1 above to address it, discuss issues of local concern and/or answer questions. It may, for example, wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend. Attendance is of course entirely optional.

14. Call-in

14.1 A key element of the scrutiny role of the new Committee concerns the arrangements for the "call-in" of a decision taken by or on behalf of the Cabinet. A decision by the Cabinet, or a key decision made by an officer with delegated authority from the Cabinet, may be "called in" by members of the Council submitting a request in writing on the call in request form to the Head of HR, Legal and Democratic Services within 5 working days of the publication of that decision. No action can be taken on an item called in for scrutiny.

14.2 Call-in should only be used in exceptional circumstances. These are where Members have evidence which suggests that the Cabinet decision was not taken in accordance with the principles set out in Article 12 (Decision Making). In order to ensure that call-in is not abused; nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- (a) a decision must be called-in by at least five Members of the Council; and
- (b) a decision on the same item may only be "called in" for scrutiny by the Committee on one occasion within a six months period. The six month period is to commence from the date the "call-in" request is received by the Head of HR, Legal and Democratic Services;
- (c) members who have called in a decision may withdraw their call-in at any time prior to the meeting taking place to hear the call-in, by giving notice in writing to the Scrutiny Officer.

14.3 The following arrangements for the call-in of decisions made by the Cabinet will apply:-

- (a) when a decision is made by the Cabinet (or by any members of the Cabinet with a delegated authority contained in Part 3 of this Constitution) or a key decision is made by an officer with delegated authority from the Cabinet, the decision shall be published electronically. Normally, such publication will be on the Friday of the week in which the decision was taken. Notification of all such decisions will also be issued to all members within the same timescale by the person responsible for publishing the decision;

- (b) the relevant notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of five working days after the publication of the decision, unless it is called in;
- (c) during that period, the Scrutiny Officer shall call-in a decision for scrutiny by the committee if so requested by members (in accordance with paragraph 14.1 above), and shall notify the decision-taker of the call-in. An item called in for scrutiny will normally be considered by the Overview and Scrutiny Committee at its next scheduled meeting. However, in consultation with the Chairman of the Committee, he/she may call an extraordinary meeting of the Committee on such date as he/she may determine (in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution);
- (d) any member considering calling in a Cabinet decision, or a Key Decision taken by an officer under delegated authority, first be required to make every effort to discuss the issue with the relevant Portfolio Holder or Leader of the Council;
- (e) members using the call-in arrangements have the right to address the Committee when it deals with the issue;
- (f) normally, the Committee will complete its scrutiny of the issue at that meeting and report the outcome to the next meeting of the Cabinet. However, the Committee may consider that further time is required to consider the issue and would therefore need to recommend to the Cabinet that further work be carried out and that the Overview and Scrutiny Committee makes recommendations at a later date. In these circumstances, the Cabinet will decide whether or not the decision should be implemented, having regard to the urgency, if any, of the matter and the provisions of the Budget and Policy Framework Rules (see (i) below);
- (g) if the Overview and Scrutiny Committee agrees with a called-in decision, the decision may be implemented immediately following the Overview and Scrutiny Committee meeting;
- (h) if the Committee makes an alternative recommendation this will be considered by the Cabinet at its next meeting and no action should be taken until a final decision has been made by the Cabinet (or the full Council – see (i) below); and
- (i) as set out in the Budget and Policy Framework Procedure Rules, called-in decisions which are deemed to be contrary to the policy framework, or contrary to or not wholly consistent with the budget, may have to be referred to the full Council for a final decision.

14.4 Call-in and urgency

14.4 The call-in procedure set out above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would ***seriously prejudice the Council's or the public's interest***. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision-making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Overview and Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Chairman, the Vice Chairman of the Overview and Scrutiny Committee's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

15. Councillor call for action

15.1 Any Councillor may request that the Committee consider the inclusion of a Councillor Call for Action (CCfA) on its work programme, under the terms of the CCfA Protocol set out in this Constitution. The operation of CCfA will be in full compliance with the Protocol and, as for call-in, will be used only in exceptional circumstances where all other possible avenues for resolution of the issue have been followed by the referring Councillor, and yet a problem still exists.

16. The party whip

16.1 For the purpose of this Section 16, reference to "the party whip" shall mean:-

"Any instruction given by or on behalf of a political Group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should he/she speak or vote in any particular manner."

16.2 The imposition of the party whip is regarded by the Council as incompatible with Overview and Scrutiny. The party whip should not therefore be imposed on any member of the Overview and Scrutiny Committee while engaged in the work of Overview and Scrutiny.

17. Business at Overview and Scrutiny Committee meetings

17.1 The Overview and Scrutiny Committee shall consider the following business:-

- (a) minutes of the last meeting;
- (b) public speaking in accordance with the Committee Procedure Rules;
- (c) consideration of any matter referred to the committee for a decision in relation to call-in of a decision;
- (d) responses of the Cabinet to reports of the Overview and Scrutiny Committee;
- (e) any recommendations or reports from the Committee's panels or task and finish groups;
- (f) consideration of the Decisions Plan; and
- (g) the business otherwise set out on the agenda for the meeting.

17.2 At every ordinary Overview and Scrutiny Committee meeting at least one member of Cabinet shall attend to give an account of his or her portfolio and answer questions from the committee. Each Cabinet member shall attend at least once a year in rotation. This attendance shall be in addition to any attendance required or invited by the committee in relation to specific items of business. The time set aside for presentation of each portfolio report and questions thereon shall be at the discretion of the Chairman.

17.3 Where the Overview and Scrutiny Committee conducts investigations, the Committee may also ask people to attend to give evidence at Committee meetings which are to be conducted in accordance with the following principles:-

- (a) that the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
- (b) that those assisting the Committee by giving evidence be treated with respect and courtesy; and
- (c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

17.4 Following any investigation or review, the committee shall prepare a report, for submission to the Cabinet and/or Council as appropriate, and shall make its report and findings public.

B. PERFORMANCE AND AUDIT SCRUTINY COMMITTEE

1. What will be the arrangements for the Performance and Audit Scrutiny Committee?

- 1.1 The Council will have a Performance and Audit Scrutiny Committee as set out in Article 7 and will appoint to it annually.
- 1.2 The Committee will consist of a maximum of 10 members of the Council. The Council will normally observe the rules governing political balance contained in Section 15 of the Local Government and Housing Act 1989 when allocating seats to the Performance and Audit Scrutiny Committee but it may resolve to vary this provision by unanimous vote at the Annual Meeting.
- 1.3 The terms of reference of the Performance and Audit Scrutiny Committee will be:-
 - (i) to monitor and scrutinise the performance of the Council's services by having regard to a variety of information, including performance indicators, financial information, reports from external inspections, audit reports and monitoring of action plans;
 - (ii) to consider means of improving and promoting the performance management and audit functions of the Council;
 - (iii) within its terms of reference as detailed in 1.3(i) above, and as an integral part of its role as the Council's Audit Committee, to have reference to any or all of the following areas:-
 - (a) Integration of the Audit role**
To ensure that the principles of effective audit are integrated into the work of the Performance and Audit Scrutiny Committee and the Council generally.
 - (b) Risk Management**
To provide assurance of the effectiveness of the corporate risk assessment process and monitor the effective development and operation of risk management policies in the Council, specifically including monitoring of the Risk Management Strategy and the Corporate Risk Register.
 - (c) Internal Audit and Governance**
To provide an effective mechanism to monitor the control environment within the authority, ensuring the highest standards of probity and public accountability by:-

- (1) reviewing and approving of the Annual Audit Plan;
- (2) challenging and follow-up of internal audit recommendations; (3) reviewing internal audit performance;
- (4) reviewing of Code of Corporate Governance and Statement of Internal Control; and
- (5) reviewing the anti-fraud and corruption controls and arrangements.

(d) Financial Statements and Annual Accounts

To provide scrutiny of the authority's financial performance by scrutinising the:-

- (1) Budget Monitoring Reports;
- (2) Capital Programme Audited Accounts; and
- (3) any proposals for cost reductions or growth in the forward budget.

(e) Treasury Management

To be responsible for:-

- (1) the Council's responses to changes in statutory and regulatory requirements and guidance;
- (2) the annual Treasury Management and Investment Strategy;
- (3) on-going revisions to treasury management strategies and policies;
- (4) the mid year treasury management review;
- (5) reports on treasury management performance; and
- (6) the annual report on treasury management performance, including the effects of the decisions taken and the transactions executed in the past year, and on the circumstances of any non-compliance with the Council's treasury management policy statements.

(f) External Audit

To maintain and develop a trusting and professional relationship with the Council's external auditors and ensure any issues arising from inspection are dealt with:-

- (1) Annual audit and Inspection Plan and any resulting reports;
- (2) Annual Audit Letter; and
- (3) Statement of Auditing Standard (SAS) 610 Communications.

(g) Procurement

Formal reporting of procurement issues;

- (iv) to receive an annual work programme based around a quarterly performance management and risk and budget monitoring cycle; and
- (v) to approve the Annual Statement of Accounts each year in good time to meet the statutory deadline for adoption.

1.4 It is not within the terms of reference of this Committee to carry out reviews, or to set up panels, although the Committee may from time to time carry out initial investigation into or scoping of an issue, which may lead to recommendations for further work by the appropriate scrutiny committee or Cabinet.

2. Who may sit on the Performance and Audit Scrutiny Committee?

2.1 All Councillors, except members of the Cabinet, may be Members of the Performance and Audit Scrutiny Committee.

3. Co-optees

3.1 The Performance and Audit Scrutiny Committee shall be entitled to recommend to Council the appointment of a number of people as non-voting co-optees.

4. Meetings of the Performance and Audit Scrutiny Committee

4.1 There will be up to six ordinary meetings of the Committee each year, comprising four quarterly meetings based around a programme of performance management and risk and budget monitoring, and, as required, a meeting to approve the annual accounts, and a further meeting to scrutinise proposals for cost reductions and growth in the forward budget.

4.2 Meetings shall be held in accordance with the Committee Procedure Rules except where these Overview and Scrutiny Committee Procedure rules specify otherwise.

5. Who chairs Performance and Audit Scrutiny Committee meetings?

5.1 Following discussions between Group Leaders, the Chairman and Vice-Chairman of the Performance and Audit Scrutiny Committee will be appointed by the Council.

5.2 The Chairman and Vice-Chairman will hold office until:-

- (a) he/she resigns from the office of Chairman or Vice-Chairman; or
- (b) he/she is no longer a Councillor; or
- (c) the next annual meeting of the Council save that the Council may remove the Chairman or Vice-Chairman at an earlier

date but only in the event of a change in the political control of the Council.

- 5.3 Upon the occurrence of a vacancy in the office of Chairman or Vice-Chairman, the Council shall fill the vacancy at the next ordinary meeting of the Council or, if the vacancy occurs as a result of the removal of the Chairman and/or Vice-Chairman in the event of a change in the political control of the Council, at the meeting at which that resolution was passed. The person appointed to fill the vacancy shall hold office for the remainder of the original term, subject to the rules on earlier termination in 5.2 above.

6. Work programme

- 6.1 The Committee will receive a rolling work programme based around a quarterly performance management and risk and budget monitoring cycle.

7. Agenda items

- 7.1 Any Member of the Performance and Audit Scrutiny Committee shall be entitled to give notice to the Scrutiny Officer that he/she wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Scrutiny Officer will ensure that it is included on the next available agenda. If the item is accepted by the Committee, the extent to which such an item is investigated by the Committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate scrutiny committee should be recommended.
- 7.2 Any five members of the Council who are not members of the Performance and Audit Scrutiny Committee may also give written notice to the Scrutiny Officer that they wish an item to be included on the agenda of the Committee. If the Scrutiny Officer receives such a notification, then he/she will include the item on the first available agenda of the committee for consideration by the committee. If the item is accepted by the committee, the extent to which such an item is investigated by the committee shall be only to the level of initial scoping, in order to ascertain whether further investigation of an issue by the appropriate scrutiny committee should be recommended.
- 7.3 The Performance and Audit Scrutiny Committee shall also respond, as soon as its work programme permits, to requests from the Council, the Cabinet and the Overview and Scrutiny Committee to carry out such initial scoping investigations. Where it does so, the Performance and Audit Scrutiny Committee shall report its findings and any recommendations back to the Overview and Scrutiny Committee, Cabinet and/or Council. The Overview and Scrutiny Committee, Council and/or the Cabinet shall consider the report of the Performance and Audit Scrutiny Committee at its next meeting.

8. Performance management and audit

- 8.1 The role of the Performance and Audit Scrutiny Committee in relation to its performance management and audit responsibilities is as set out in Paragraphs 1.3-1.4 above and Article 7 of this Constitution.

9. Reports from the Performance and Audit Scrutiny Committee

- 9.1 Once it has formed any recommendations, the Performance and Audit Scrutiny Committee will submit them to the Scrutiny Officer for consideration by the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate.
- 9.2 The Overview and Scrutiny Committee, Council or Cabinet shall consider the recommendations of the Performance and Audit Scrutiny Committee at the next available meeting.
- 9.3 The agenda for Cabinet meetings shall, when applicable, include an item entitled 'Issues arising from the Performance and Audit Scrutiny Committee'. Any reports of the Committee referred to the Cabinet shall be included at this point in the agenda (unless they have been considered in the context of the Cabinet's deliberations on a substantive item on the agenda).
- 9.4 The Chairman, or in his/her absence, the Vice-Chairman of the Overview and Scrutiny Committee will normally be responsible for presenting the report to the Cabinet or the Council as appropriate. However, in the case of the report of a panel or working group, the report to the Cabinet and/or Council can also be made by the chairman or vice-chairman of the panel/working group.

10. Attendance by others

- 10.1 Members of the Cabinet will be entitled to attend meetings of the Performance and Audit Scrutiny Committee and speak on any matter under consideration.
- 10.2 Subject to the provisions of paragraph 1.4 above, the Committee may also invite members, officers and any other person to address its meetings, discuss issues of local concern and/or answer questions as part of its initial scoping or investigation of a matter. Attendance is of course entirely optional.

11. The party whip

- 11.1 For the purpose of this Section 12, reference to "the party whip" shall mean:-

"Any instruction given by or on behalf of a political Group to any Councillor who is a Member of that Group as to how that Councillor shall speak or vote on any matter before the Council or any

Committee or Sub-Committee, or the application or threat to apply any sanction by the Group in respect of that Councillor should he/she speak or vote in any particular manner.”

- 11.2 As part of the overview and scrutiny function, the imposition of the party whip is regarded by the Council as incompatible with the Committee’s terms of reference. The party whip should not therefore be imposed on any member of the Performance and Audit Scrutiny Committee while engaged in the Committee’s work.

13. Procedure at Performance and Audit Scrutiny Committee meetings

- 13.1 The Performance and Audit Scrutiny Committee shall consider the following business:-
- (a) minutes of the last meeting;
 - (b) public speaking in accordance with the Committee Procedure Rules;
 - (c) any decisions or reports of the Cabinet regarding the committee’s work;
 - (d) any previous recommendations or reports of the committee referred back to the committee by the Overview and Scrutiny Committee, Cabinet or full Council; and
 - (e) the business otherwise set out on the agenda for the meeting.
- 13.2 The Committee may also ask people to attend its meetings, which are to be conducted in accordance with the following principles:-
- (a) that all Members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) that those assisting the Committee by giving evidence or offering opinions be treated with respect and courtesy; and
 - (c) that the meeting be conducted so as to maximise the efficiency of the discussion, investigation or analysis.
- 13.3 Following scrutiny of any matter, the Committee shall prepare, if necessary, recommendations for submission to the Overview and Scrutiny Committee, Cabinet and/or Council as appropriate, and shall make its recommendations and any accompanying findings public.

Forest Heath District Council

Access to Information Procedure Rules

1. Scope

- 1.1 These rules apply to all meetings of the Council, Overview and Scrutiny Committee, Performance and Audit Scrutiny Committee, Standards Committee and Regulatory Committees and public meetings of the Cabinet (together called Meetings).

2. Additional rights to information

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

3. Rights to attend meetings

Public

- 3.1 Members of the public may attend all meetings unless excluded in accordance with rules 11.1 and 11.2(a) below.

Members

- 3.2 A member of the Council may attend a meeting of a committee or sub-committee meeting of which he or she is not a member. A member may speak at that meeting if allowed to do so by the Committee Procedure Rules but shall not be entitled to vote.

4. Notices of meeting

- 4.1 The Council will give at least five clear days' notice of any meeting by putting details on its website and on lists displayed at its main offices.

5. Access to agenda and reports before the meeting

- 5.1 The Council will make copies of the agenda and reports open to the public available for inspection by publishing them on its website at least five clear days before the meeting.
- 5.2 If an item is added to the agenda later, the revised agenda will be available on its website from the time the item was added to the agenda. Where reports are prepared after the summons has been sent out, the Council shall make each such report available to the public on its website as soon as the report is completed and sent to Councillors.

6. Supply of copies

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

7. Access to minutes etc. after the meeting

- 7.1 The Council will as soon as practicable after a meeting make the following available on its website for six years:-
- (a) the minutes of the meeting or records of decisions taken, together with reasons, for all meetings of the Cabinet, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
 - (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
 - (c) the agenda for the meeting; and
 - (d) reports relating to items when the meeting was open to the public.

8. Recording of council meetings and use of social media

- 8.1 People may photograph, film, record and/or broadcast those attending Council, Cabinet, committee or sub-committee meetings (other than any part of such a meeting from which the public are excluded), subject to:-
- (a) the committee administrator at the meeting being told so that everyone attending can be notified; and
 - (b) no flash or lighting being used, or noise created, without the prior agreement of the chairman; and
 - (c) fixed points or areas for cameras or recording equipment being agreed in advance so they do not distract those involved in the democratic process or impinge on the decision-making or block viewing from the public seating area; and
 - (d) members of the public speaking at, or attending, the meeting must not be filmed if they have indicated they do not wish to be included.
- 8.2 Notice of the photographing, filming, recording and/or broadcasting of meetings is to be displayed in and outside the place of meeting

and included on any literature handed to persons attending a meeting as follows:-

"The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded)".

Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming."

8.3 People may use social media at Council, Cabinet, Committee or Sub-Committee meetings (other than any part of such a meeting from which the public are excluded), subject to:-

- (a) equipment used being silent during operation; and
- (b) the use of equipment not distracting those involved in the democratic process or impinging on decision making or blocking the view from the public seating area.

9. Background papers

9.1 List of background papers

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

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

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and, in respect of Cabinet reports, any advice of a political advisor.

9.2 Public inspection of background papers

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

10. Summary of public's rights

10.1 These rules will constitute the written summary of the public's rights to attend meetings and to inspect and copy documents and will be available to the public on the Council's website.

11. Exclusion of the public from meetings

11.1 Confidential information – Requirement to exclude public

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

11.2 Exempt information – Discretion to exclude public

- (a) The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed.
- (b) Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.4 Meaning of exempt information

Exempt information means information falling within the following 7 categories (subject to any condition):-

- (1) Information relating to any individual.
- (2) Information which is likely to reveal the identity of an individual.
- (3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- (4) Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes:-
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

11.5.1 Information falling within paragraph 11.4.3 above is not exempt information by virtue of that paragraph if it is required to be registered under:-

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

11.5.2 Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

11.5.3 Information which:-

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 11.5.1 or 11.5.2 above,

is exempt information if and so long as, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

12. Exclusion of access by the public to reports

12.1 If the Monitoring Officer thinks fit, the Council may exclude access by the public to reports which in the Monitoring Officer's opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.

13. Application of rules to the Cabinet

13.1 Rules 14-23 apply to the Cabinet and its committees. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1-13 unless Rule 15 (General Exception) or Rule 16 (Special Urgency) apply. A key decision is as defined in Article 12 of this Constitution.

13.2 If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the Decisions Plan by which it is to be decided, then it must also comply with Rules 1-12 unless Rule 15 (General exception) or Rule 16 (Special urgency) apply. A key decision is as defined in Article 12 of this Constitution.

This requirement does not include meetings whose sole purpose is for officers to brief members.

14. Procedure before taking key decisions or holding executive meetings in private

14.1 Key decisions

14.1.1 Subject to Rule 16 (General exception) and Rule 17 (Special urgency), a key decision may not be taken unless:-

- (a) a notice (called here a Decisions Plan) has been published in connection with the matter in question, at least 28 clear days before the decision is to be taken; and
- (b) where the decision is to be taken at a meeting of the Cabinet or its Committees, notice of the meeting has been given in accordance with Rule 4 (Notice of Meetings).

14.2 Matters to be considered in private

14.2.1 At least 28 clear days before a private meeting of the Cabinet, or a committee or joint committee of the Cabinet, the decision-making body must make available and publish on its website a notice including a statement of the reasons for the meeting, or part of the meeting, to be held in private.

14.2.2 At least five clear days before a private meeting, the decision-making body must make available and publish on its website an additional notice of its intention to hold a meeting or part of a meeting in private, including a statement of the reasons for the meeting to be held in private, details of any representations received by the decision-making body about why the meeting should be open to the public, and a statement of its response to any such representations. For ease of reference this notice will be incorporated into the agenda for the meeting in question.

15. The decisions plan

15.1 Publication of decisions plan

15.1.1 Decisions Plans will be prepared by the Leader to ensure that 28 clear days' notice of the taking of any key decision, or the holding of any meeting, or part of a meeting, in private, is given. This document will be made available for inspection at the Council's offices and on its website.

15.2 Contents of decisions plan

15.2.1 The Decisions Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers or under joint arrangements in the course of the discharge of an executive function during the period covered by the plan. It will describe the following particulars in so far as the information is available or might reasonably be obtained:-

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, their name and title, if any and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (e) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed is available;
- (f) that other documents relevant to those matters may be submitted to the decision maker; and
- (g) the procedure for requesting details of those documents (if any) as they become available.

15.2.2 The Decisions Plan will also detail any matters which it is intended will be considered in private, and the reason for the matter being considered in private.

15.2.3 Exempt information need not be included in a Decisions Plan and confidential information cannot be included.

16. General exception

16.1 If a matter which is likely to be a key decision has not been publicised with 28 clear days' notice then subject to Rule 17 (Special urgency), the decision may still be taken if:-

- (a) the decision must be taken by such a date that it is impracticable to defer the decision; and
- (b) the proper officer has informed the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made; and
- (c) the proper officer has made copies of that notice available to the public at the Council's offices and on its website; and
- (d) at least five clear days have elapsed following the day on which the proper officer made the notice available.

16.2 Where such a decision is taken collectively, it must be taken in public, unless it relates to exempt information as determined under Section 100 of the Local Government Act 1972, when the public will be excluded.

17. Special urgency

17.1 Key decisions

17.1.1 If by virtue of the date by which a decision must be taken Rule 16 (General exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee, or if the Chairman of the Overview and Scrutiny Committee is unable to act, then the agreement of the Vice-Chairman will suffice.

17.2 Matters to be considered in private

17.2.1 Where the date by which a meeting must be held makes publication within 28 clear days, and repeated within 5 days, impracticable, the meeting may only be held in private where agreement has been obtained from the Chairman of the Overview and Scrutiny Committee that the meeting is urgent and cannot reasonably be deferred. If there is no Chairman, or if the Chairman is unable to act, then the agreement of the Vice-Chairman will suffice.

17.3 In the case of both key decisions and matters to be considered in private, as soon as practicable after the decision-maker has obtained such agreement, the decision-maker will make available at the Council's offices, and on its website, a notice setting out the reasons why the decision or matter is urgent and cannot reasonably be deferred.

18. Report to Council

18.1 When an Overview and Scrutiny Committee can require a report

18.1.1 If the Overview and Scrutiny Committee thinks that a key decision has been taken which was not:-

- (a) treated as being a key decision; or
- (b) the subject of the general exception procedure; or
- (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Vice-Chairman, under Rule 17;

the Committee may require the Cabinet to submit a report to the Council within such reasonable time as the Committee specifies.

18.1.2 The report will include:-

- (a) the decision and the reasons for the decision;
- (b) the decision making body by which, or the individual by whom, the decision was made; and
- (c) the reasons as to why the decision was considered not to be a key decision.

18.1.3 The power to require a report rests with the Overview and Scrutiny Committee but is also delegated to the Monitoring Officer, who shall require such a report on behalf of the Committee when so requested by the Chairman or any 5 Members. Alternatively the requirement may be raised by resolution passed at a meeting of the Overview and Scrutiny Committee.

18.2 Cabinet's report to Council

18.2.1 The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the written notice, or the resolution of the Committee, then the report may be submitted to the meeting after that.

18.2.2 The report to Council will set out particulars of the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

18.3 Quarterly reports on special urgency decisions

18.3.1 The Leader will submit quarterly reports to the Council on the Executive decisions taken (if any) in the circumstances set out in Rule 17 (Special urgency) in the preceding three months.

18.3.2 The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken together with the reasons for the decision and why the matter was considered to be urgent.

19. Record of decisions

19.1 After any meeting of the Cabinet or any of its Committees, whether held in public or private, the proper officer or his/her nominee will produce a record of every decision taken at that meeting as soon as practicable.

19.2 The record will include:-

- (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 decision making body at the meeting at which the decision was made;
- (d) a record of any conflict of interest in relation to the matter decided which is declared by any member of the decision making body which made the decision; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Council's Head of Paid Service.

20. Executive meetings relating to matters which are not key decisions

20.1 The Cabinet will meet in public to consider matters which are not key decisions, unless confidential or exempt information is being discussed.

21. Officers

21.1 The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the Chief Executive has been given reasonable notice that a meeting is to take place.

21.2 A Cabinet meeting may only take place in the presence of the Chief Executive or his/her nominee with responsibility for recording and publicising the decisions and the provisions of Rule 19 will apply.

22. Decisions by individuals

22.1 Reports intended to be taken into account

- (a) Where a Cabinet member or officer receives a report, which will be taken into consideration when a key decision is made, he or she shall not make that decision until the report has been available for public inspection for at least five clear days.
- (b) The Cabinet member or officer making the decision shall ensure that Democratic Services make the report available for inspection by the public as soon as is reasonably practicable after that officer or member receives it.
- (c) The officer who prepares the report shall, in any report to be available for inspection by the public, include a list of background papers for the report or part of the report, and shall ensure that the background papers are available on the Council's website.

22.2 Provision of reports to Overview and Scrutiny Committees

22.2.1 Where a report has been submitted to a Cabinet Member or officer with a view to it being considered when a key decision is made, the person who submitted the report shall, as soon as is reasonably practicable, ensure that it is available electronically to the Chairman of the Overview and Scrutiny Committee or, where there is no Chairman, to every member of the Overview and Scrutiny Committee.

22.3 Record of individual decision

22.3.1 As soon as reasonably practicable after an executive decision has been taken by an individual member of the Cabinet, or after an officer has taken a decision closely associated with the discharge of an executive function, he or she will prepare, or instruct the proper officer to prepare, a record of the decision which must include:-

- (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 at the time when the decision was made;
- (d) a record of any conflict of interest declared by any Cabinet Member who is consulted in relation to the decision; and
- (e) in respect of any declared conflict of interest a note of any dispensation granted by the Council's Head of Paid Service.

22.3.2 The provisions of Rules 7 and 9 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Cabinet. This does not require the disclosure of exempt or confidential information.

23. Overview and Scrutiny Committee members' access to documents

23.1 Rights to copies

Subject to Rule 23.2 below, a Member of an Overview and Scrutiny Committee will be entitled, no later than 10 clear days after the Cabinet receives the request, to copies of any document which is in the possession or control of the Cabinet and which contains material relating to:-

- (a) any business transacted at a public or private meeting of the Cabinet or its Committees; or
 - (b) any decision taken by an individual Member of the Cabinet;
- or

- (c) any decision that has been made by an officer of the authority which is closely associated with the discharge of an executive function.

23.2 Limit on rights

A Member of an Overview and Scrutiny Committee will not be entitled to:-

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or any review contained in any programme of work of such a committee or sub-committee of such a committee; or
- (c) any document or part of a document containing the advice of a political adviser or assistant.

23.3 Where the Cabinet determines that a Member of an Overview and Scrutiny Committee is not entitled to a copy of a document or part of any such document for a reason set out in paragraphs 23.1 or 23.2 it must provide the Overview and Scrutiny Committee with a written statement setting out its reasons for that decision.

24. Additional rights of access for members

24.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Cabinet or its committees, and contains material relating to any business previously transacted at a private meeting unless it contains:-

- (a) exempt information falling within paragraphs 1, 2, 3 (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), 4, 5 and 7 of the categories of exempt information; or
- (b) the advice of a political adviser.

24.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Cabinet or its Committees which relates to any key decision unless paragraph (a) and/or (b) in 24.1 above applies.

24.3 Nature of rights

These rights of a Member are additional to any other rights he or she may have.

25. Confidentiality

- 25.1 No member of the Council, nor any co-opted member of any committee, sub-committee, panel or working group, shall without the permission of the Council or (in respect of Cabinet functions) the Cabinet, or (in respect of their functions) of the appropriate committee, sub-committee, panel or working group, disclose any exempt or confidential matter unless and to the extent only that that matter shall have been placed in the public domain by the Council, Cabinet, committee, sub-committee, panel or working group (as the case may be).

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Forest Heath District Council

Officer Employment Procedure Rules

All procedures in this Section shall be subject to the provisions of the Local Authorities (Standing Orders) (England) Regulations 2015 or any legislation that amends or replaces them, and all other relevant Regulations.

1. Recruitment and appointment

1.1 Declarations

- (a) The Council will require any candidate for appointment as an employee to state in writing whether they have any connections to an existing councillor or employee of the Council or of the spouse or partner of such persons.
- (b) A candidate who does not disclose such a relationship may be disqualified from consideration, and if appointed, may be liable to dismissal.
- (c) Every member and officer of the Council will inform the Head of Service concerned when they become aware of an application by a relative.
- (d) No candidate connected to a councillor or an officer will be appointed without the authority of the Head of Paid Service or an officer nominated by him/her.

1.2 Seeking support for appointment

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

2. Recruitment of chief executive and directors

For the purposes of these rules and of Article 11, the term "chief officers" shall mean the Chief Executive and the Directors.

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

- (a) draw up a statement specifying:-
 - (i) the duties of the officer concerned; and
 - (ii) any qualifications or qualities to be sought in the person to be appointed; and

- (iii) the requirement in 1.1 (a) above;
- (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.

3. Appointment of chief executive

Before an offer of appointment is made, the Council will approve the appointment of the Chief Executive following the recommendation of such an appointment by a Joint Committee of the West Suffolk Councils specifically appointed for that purpose. That Joint Committee must include at least one Member of each Cabinet.

4. Appointment of chief officers

- (a) The Joint Officer Appointments Committee will appoint all Directors.
- (b) An offer of employment as a Chief Officer shall only be made where no well-founded objections from any Member of the Cabinet has been received.

5. Other appointments

- (a) **Officers below Chief Officer level**
Appointment of officers below Chief Officer level is the responsibility of the Chief Executive or his/her nominee, and may not be made by councillors.
- (b) **Assistants to political Groups**
Appointment of an assistant to a political Group shall be made in accordance with the wishes of that political Group.

6. Disciplinary action

Disciplinary action for the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer shall take place in accordance with Schedule 3 of the Local Authorities (Standing Orders) (England) Regulations 2015. The Joint Officer Appointments Committee shall be the "Panel" referred to in Schedule 3:

- (a) **Suspension**
The Head of Paid Service, Monitoring Officer and Chief Finance Officer may be suspended whilst an investigation takes place into alleged misconduct. That suspension will be on full pay and last no longer than two months unless the Investigator recommends the suspension should continue beyond that point.

- (b) Councillors will not be involved in disciplinary action against any officer below Chief Officer level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Such disciplinary action will be undertaken by the Head of Paid Service or an officer nominated by him/her.
- (c) The Joint Officer Appointments Committee will make recommendations to Council for the dismissal of the Head of Paid Service, Chief Finance Officer or Monitoring Officer and Council must approve that dismissal before notice is given to that person.
- (d) The Joint Officer Appointments Committee shall approve any disciplinary action, short of dismissal, against the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
- (e) Subject to the provisions of The Local Authorities (Standing Orders) (England) Regulations 2015 all actions will be in accordance with both the JNC Conditions of Service for Chief Executives/Chief Officers and the Council's employment policies.
- (f) The Joint Officer Appointments Committee will approve the dismissal of a Director.
- (g) Notice of the dismissal of the Chief Executive or any Director or assistant to a political group must be given to Cabinet in accordance with paragraph 6 of Part II to Schedule I of the Local Authorities (Standing Orders) (England) Regulations 2015.
- (h) Councillors will not be involved in the dismissal of any officer below Director level, except where such involvement is necessary for any investigation or inquiry into alleged misconduct. Any dismissal procedure will be undertaken by the Head of Paid Service or by an officer nominated by him/her.
- (i) Directors and the Head of Paid Service have a right of appeal against dismissal to a Joint Chief Officer Appeals Committee specifically appointed for that purpose.

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Forest Heath District Council

Budget and Policy Framework Procedure Rules

1. The framework for Cabinet decisions

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

2. Process for developing the policy framework

- 2.1 Normally, in the development of the policy framework, the Cabinet will liaise with the Overview and Scrutiny Committee and the Performance and Audit Scrutiny Committee to ensure that matters can be given proper consideration as part of the work programmes of these Committees.
- 2.2 However, the formal process by which the policy framework shall be developed is as follows.

2.3 Prior to Cabinet consideration

- (a) The Cabinet will publicise, by including in a Decisions Plan and/or by other methods, a timetable for making proposals to the Council for the adoption of any new or significantly revised policy or strategy that forms part of the policy framework. Where consultation on a draft policy is due to take place, the Decisions Plan will also set out the timetable for Cabinet consideration of the draft for consultation.

Consultation on draft policies

- (b) Where a policy is to be consulted on in draft form, the Overview and Scrutiny Committee and Performance and Audit Scrutiny Committee may wish to investigate, research or report in detail with policy recommendations before the end of the consultation period.

2.4 Preparation of final proposals by Cabinet

- (a) At the end of any consultation period, the Cabinet will approve its own final proposals for submission to the full Council. These proposals will have regard to the responses to any consultation and will take into account any response or proposals from the Overview and Scrutiny Committee or Performance and Audit Scrutiny Committee. Its report to Council will reflect the comments made by consultees and/or the Committees and the Cabinet's response.

- (b) The Council will consider the proposals of the Cabinet and may:-
- (i) adopt them;
 - (ii) amend them;
 - (iii) refer them back to the Cabinet for further consideration; or
 - (iv) substitute its own proposals in their place.

In considering the matter, the Council shall have before it the Cabinet's proposals and any report from Overview and Scrutiny or Performance and Audit Scrutiny Committee.

- (c)
- (i) the Council's decision will be published on the Council's website and drawn to the attention of the Leader.
 - (ii) the notice of decision shall be dated and shall state either that the decision shall be effective immediately (if the Council accepts the Cabinet's proposals without amendment); or
 - (iii) if the Cabinet's proposals are not accepted without amendment, the decision must inform the Leader of any objections which the Council has and require the Cabinet to reconsider, in the light of those objections, the proposals submitted to it.
 - (iv) the Council's decision will become effective on the expiry of 5 clear days after the publication of the notice of decision, unless the Leader objects to it in that period.
- (d) If the Leader objects to the decision of the Council, he shall give written notice to the Chief Executive to that effect prior to the date upon which the decision is to be effective. The written notification must either:-
- (i) submit a revision of the proposals as amended by the Cabinet (the "revised proposals"), with the Cabinet's reasons for any amendments made to the proposals, to the Council for the Council's consideration; or
 - (ii) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
- (e) Where such notification is received, the Chief Executive shall refer the matter to the next ordinary meeting of the Council to reconsider its decision and the decision shall not be effective pending that meeting. The Chief Executive may call an extraordinary meeting of Council if the matter is too urgent to await the next ordinary meeting.
- (f) At that Council meeting, the decision of the Council shall be reconsidered in the light of the revised proposals or the objections, which shall be available in writing for the Council.

- (g) The Council shall at that meeting make its final decision on the matter on the basis of a simple majority. The decision shall be made public in accordance with Article 4 and shall be implemented immediately.
- (h) In approving the policy framework, the Council will also specify the degree of in-year changes to the policy framework which may be undertaken by the Cabinet. Any other changes to the budget and policy framework are reserved to the Council.

3. Process for developing the budget framework

3.1 There will be a process for financial planning:-

- (a) The Cabinet shall prepare and adopt a timetable to accomplish these objectives that should incorporate consideration of:-
 - (i) An early assessment of assumptions that will be used in the drafting of the forthcoming budget, taking account of financial issues that may have a significant impact on the medium term financial situation of the Council.
 - (ii) An overview of the financial position in the coming financial year following publication of the settlement details of the anticipated funding from Central Government.
 - (ii) Detailed consideration of items of growth or potential disinvestments.
- (b) Prior to Cabinet consideration:-
 - (i) The Cabinet will publicise, by including in the Decisions Plan and/or by other methods, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation. The Chairman of the Overview and Scrutiny Committee will be notified. The consultation period shall in each instance be not less than six weeks.
 - (ii) If the Committee wishes to respond to the Cabinet in that consultation process then it may do so. As the Overview and Scrutiny Committee has responsibility for fixing its own work programme, it is open to this Committee to investigate, research or report in detail with policy recommendations before the end of the consultation period.

- (c) Preparation for the formal budget meeting:-
- (i) The Council will hold its formal budget meeting in February or March when the Cabinet will present proposals to Council.
 - (ii) The budget proposals presented by the Cabinet having taken consideration of the views of the public, staff, members of the Overview and Scrutiny Committee and other consultees.
 - (iii) All potential amendments to the budget must be assessed for their financial implications prior to the Council meeting to comply with Financial Procedures. To avoid any problems arising from this requirement, all proposed amendments to the budget will therefore be notified in advance to the Chief Executive and S151 Officer.
 - (iv) At the budget meeting, the Council will decide on the budget for the forthcoming year and formally adopt this, satisfying any statutory requirements so that all income due to the Council and its preceptors can be collected.

4. Decisions outside the budget and policy framework

- (a) Subject to the provisions of Rule 6 the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework.

If any of these bodies or persons wishes to make a decision which is contrary to policy, or contrary to or not wholly in accordance with the budget approved by the Council, then that decision may only be taken by the Council, subject to Rules 5 and 7 below.

- (b) If the Cabinet, committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and the S151 Officer as to whether the decision they want to make would be contrary to policy, or contrary to or not wholly in accordance with the budget.
- (c) If the advice of either of those officers is that the decision would not be in line with the existing budget and policy framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in Rule 5 (Urgent decisions outside the budget and policy framework) shall apply.

5. Urgent decisions outside the budget and policy framework

- (a) The Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging Cabinet functions may take a decision which is contrary to policy or contrary to or not wholly in accordance with the budget if the decision is a matter of urgency. However, the decision may only be taken if:-

(i) it is not practical to convene a quorate meeting of the Council;

and

(ii) the Chairman of the Overview and Scrutiny Committee agrees in writing that the decision is a matter of urgency.

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

In the absence of the Chairman of the Overview and Scrutiny Committee the consent of the Vice-Chairman will be sufficient.

and

(iii) the Council's Financial Procedure Rules are complied with in all other respects.

- (b) 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.

6. Virement

- (a) The Council shall have sufficient budget heads to enable service delivery and effective budgetary control in line with the Council's budget and policy framework.
- (b) Steps taken by the Cabinet, a committee of the Cabinet, an individual member of the Cabinet or officers, or joint arrangements discharging Executive functions to implement Council policy shall not exceed the budgets allocated to each budget head. However, such bodies or individuals shall be entitled to vire across budget heads – as follows:-
- (i) the Cabinet - non-recurring expenditure of up to £50,000 in any one case within budget allocations to functions which are the responsibility of the Cabinet;
- (ii) executive members (Portfolio Holders) - non-recurring expenditure of up to £50,000 in any one case within budget allocations to functions which are the

responsibility of the Executive Member; virement will also require the agreement of the Leader.

- (iii) authorised officers:-
 - (a) provided that it does not constitute a Key Decision, Chief Officers and Assistant Directors be authorised to undertake virements of up to £25,000 on behalf of the Cabinet in any one case between the budgets under their control, subject to consultation with the relevant Portfolio Holder(s) and the Leader and the S151 Officer; such virements should be non-recurring and must not include asset rental or fixed percentage maintenance budgets, interest income or recharges which have implications elsewhere in the budget, and must be confirmed in writing to the S151 Officer in a format approved by him/her and reported to Cabinet via budget monitoring reports; and
 - (b) in the case of budgets allocated to the control of a Committee, Chief Officers and Assistant Directors be authorised to undertake virements of up to £5,000 in any one case between the budgets under their control, subject to consultation with the Committee Chairman and the S151 Officer; such virements must not have implications elsewhere in the budget, and must be confirmed in writing to the S151 Officer in a format approved by him/her and reported to the Committee via budget monitoring reports.

Any in year unplanned contributions from reserves exceeding £10,000 will need to be approved by Cabinet; those at the year end are seen by Council as part of approving the Council's financial statements.

7. In-year changes to budget and policy framework

7.1 The responsibility for agreeing the budget and policy framework lies with the Council, and decisions by the Cabinet, a committee of the Cabinet an individual member of the Cabinet or officers, or joint arrangements discharging Executive functions must (subject to Rule 5) be in line with that framework. No changes to the budget and policy framework may be made by those bodies or individuals except those changes:-

- (a) which will result in the closure or discontinuance of a service or part of service to meet a budgetary constraint;
- (b) which are necessary to implement a budget decision made by the Council;

- (c) necessary to ensure compliance with the law, ministerial direction or government guidance where there is no discretion how to act;
- (d) in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration.

8. Call-in of decisions outside the budget and policy framework

- (a) Where the Overview and Scrutiny Committee is of the opinion that an executive decision is, or if made would be, contrary to policy, or contrary to or not wholly in accordance with the budget, then it shall seek advice the Monitoring Officer and/or S151 Officer.
- (b) The Monitoring Officer's report and/or S151 Officer's report shall be to the Cabinet with a copy to every member of the Council. Regardless of whether the decision is delegated or not, the Cabinet must meet to decide what action to take in respect of the Monitoring Officer's report. The Cabinet must prepare a report to:-
 - (i) the Council if the Monitoring Officer or the S151 Officer conclude that the decision was a departure; and
 - (ii) the Overview and Scrutiny Committee if the Monitoring Officer or the S151 Officer conclude that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer and/or the S151 Officer is that the decision is or would be contrary to policy or contrary to or not wholly in accordance with the budget, the Overview and Scrutiny Committee may refer the matter to the Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The matter will be referred to the next ordinary meeting of the Council except in cases of urgency when an extraordinary meeting will be called. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer and/or the S151 Officer. The Council may either:-
 - (i) endorse a decision or proposal of the Cabinet decision maker as falling within the existing budget and policy framework. In this case no further action is required; *or*
 - (ii) amend the Council's Financial Procedure Rules or policy concerned and agree to the decision with immediate effect; *or*
 - (iii) here the Council accepts the decision or proposal is contrary to policy or contrary to or not wholly in

accordance with the budget, and does not amend the existing framework to accommodate it, require the Cabinet to reconsider the matter in accordance with the advice of either the Monitoring Officer/S151 Officer.

Forest Heath District Council

West Suffolk Contract Procedure Rules

1. Introduction

- 1.1 These Contract Procedure Rules (CPRs) have been issued in accordance with Section 135 of the 1972 Local Government Act and adopted by both Forest Heath District Council and St Edmundsbury Borough Council (the Councils) to give consistency to procurement across the two Councils. The meaning of words and expressions in *Italics* are given in Appendix 1.
- 1.2 Procurement is the process by which the Councils manage the acquisition of all their goods, services and works. It includes the identification of need, consideration of options and the actual procurement process.
- 1.3 *Officers* responsible for purchasing on behalf of the Councils must comply with these CPRs. They provide the minimum requirements although a more thorough procedure may be appropriate for specific contracts.
- 1.4 These CPRs provide a corporate framework for the procurement of all goods, services and works for the Council. They are designed to ensure that all procurement activity is conducted with openness, probity and accountability. Above all, these CPRs are designed to ensure that the Councils obtain value for money and the required level of quality and performance in all contracts that are entered into.
- 1.5 These CPRs must be read in conjunction with the relevant Council's *Constitution*, the *Procurement Strategy* and the *Procurement Toolkit*.
- 1.6 The disposal of assets and the acquisition, use and disposal of Land and Buildings are not covered by these CPRs and are to be considered alongside the *Financial Procedure Rules*.
- 1.7 For the purposes of these CPRs there is a requirement for all communication to be in writing except where otherwise specified.

This shall be deemed to include electronic communication, use of *e-procurement* and fax transmissions or hard copy.

1.8 In the event of doubt as to the interpretation of the CPRs, take advice from the *Monitoring Officer*.

2. Basic principles

2.1 It is essential that the following *EU Treaty Principles* MUST be upheld in any procurement:

- Transparency - contract procedures must be transparent and contract opportunities must generally be publicised
- Equal treatment and non-discrimination - potential suppliers must be treated equally
- Proportionality - procurement procedures and decisions must be proportionate
- Mutual recognition - giving equal validity to qualifications and standards from other Member States, where appropriate.

2.2 In addition to the above all procurement must:

- comply with the *Procurement Strategy*, support the Councils' corporate and departmental aims, strategies, policies and procedure
- achieve *Best Value* for public money spent
- be consistent with the highest standards of integrity
- comply with relevant legal requirements
- be undertaken in a timely fashion
- ensure that *Non-commercial Considerations* do not influence any *Contracting Decision*
- be conducted in a sustainable manner, taking environmental impact into account.

3. Exclusions

3.1 All *Relevant Contracts* must comply with these CPRs. *Relevant Contracts* do not include:

- the making of grant payments which are covered by the *Financial Procedure Rules*, or
- contracts of employment which make an individual a direct employee of the council, or

- the engagement of Counsel/Advocates or other experts by the Service Manager (Shared Legal) where such engagement falls outside an existing framework for the provision of legal services, or
- contracts where delay will adversely impact on the service delivery of the Council and there is a prior specialised knowledge of a particular building or asset, or
- agreements regarding the acquisition, disposal, or transfer of land. Further guidance must be sought from the *Service Manager (Shared Legal)* or the *Procurement Manager*; or
- the lending and borrowing of money, or
- the purchase or sale by auction or at public fairs and markets, or
- the purchase of works of art or museum specimens, or
- agreements in relation to festivals and arts programming, or
- agreements under s.106 of the Town and Country Planning Act 1990 (as amended).

4. Exemptions

- 4.1 Where a proposed contract is likely to exceed the *EU Threshold* then there can be no exemption.
- 4.2 Below the *EU Threshold* exemptions must only be sought in exceptional circumstances and all exemptions, being a *Contracting Decision*, must be recorded.
- 4.3 Between £50,001 and the *EU Threshold* any exemption must be approved by the *Officer* and *Assistant Director* in consultation with the *Assistant Director (Resources and Performance)*. The *Officer* must produce evidence to support the request for any exemption. The *Assistant Director* shall prepare a report for the next *Cabinet* to support the action taken. The *Assistant Director* shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.
- 4.4 Below £50,000 any exemption must be approved by the *Officer* and *Assistant Director*. The *Officer* must produce evidence to support the request for any exemption. There is no requirement to report. The *Assistant Director* shall keep records of all exemptions granted along with reasons and supporting evidence for such exemptions.

4.5 Exemptions are likely only to be granted in the following circumstances:

- An unforeseeable emergency involving immediate risk to persons or property, or serious disruption to council services.
- The goods or services are supplied at a fixed price or the prices are wholly controlled by trade organisations and the relevant *Assistant Director* is satisfied that no satisfactory alternative is available.
- The works to be executed consist of repair or supply of parts of existing propriety machinery or plant.
- The items to be supplied consist of goods or services which are currently in use and are required for the purposes of standardisation.
- The specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available.
- Emergency action is required and/or immediate repairs are required to buildings, structures and other assets damaged by fire, flood or vandalism.
- Unforeseen works where delay will adversely impact on the service delivery for the Council(s).
- For a 'pilot' scheme where goods and services are procured on an experimental basis and considered to be the most appropriate approach for a particular scenario and where 'pilot' scheme is for a clearly defined period not exceeding 24 months and where agreed by relevant *Service Manager* and the *Procurement Manager*.

4.6 If an exemption is sought which is not for any of the above reasons, advice must first be obtained from the *Monitoring Officer* in order to determine whether such an exemption can be applied. Exemptions for reasons not listed above will be acceptable only in exceptional circumstances.

5. Procurement thresholds and key requirements

Where the *Total Value* for procurement is within the values in the first column below, the *Award Procedure* in the second column and the key requirements in the third column must be followed:

<i>Total Value (excluding VAT)</i>	<i>Award Procedure</i>	<i>Key Requirements</i>
Up to £1,000	GO GET IT!	<ul style="list-style-type: none"> • If assured of value for money; just buy it from anywhere e.g. ASDA, eBay, Amazon, ARGOS, B&Q, etc.
£1,001-£10,000	Quick Quotation Procedure (8.2)	<ul style="list-style-type: none"> • Advertising through <i>e-procurement</i> recommended • Invite email or written quotations from minimum three suppliers • No requirement to use Formal Quotation Template.
£10,001-£50,000	Formal Quotation Procedure (8.3)	<ul style="list-style-type: none"> • Use of <i>e-procurement</i> mandatory • Invite minimum three quotations from three suppliers • Use Formal Quotation Template • Open Procedure recommended.
£50001- <i>EU Threshold</i>	Formal Tender Procedure (8.4)	<ul style="list-style-type: none"> • Use of <i>e-procurement</i> mandatory • Must always consult the Procurement Manager • Use Formal Tender Template • Open Procedure recommended.
above <i>EU Threshold</i>	EU Tender Procedure (8.5)	<ul style="list-style-type: none"> • Must always consult the <i>Procurement Manager</i> and the <i>Service Manager (Shared Legal)</i> • Use of <i>e-procurement</i> mandatory.

6. Officer responsibilities

- 6.1 *Officers* responsible for procurement must comply with these CPRs, *Financial Procedure Rules*, the *Officers' Code of Conduct*, and with all UK and European Union binding legal requirements. *Officers* must ensure that any *Agent*, *Consultants* and contractual partners acting on the Councils' behalf also comply.
- 6.2 Before requesting *Quotations* or inviting *Tenders* the *Officer* must:
- Explore whether there is an alternative to buying the goods, services or works.
 - Check with the *Procurement Manager* whether a relevant contract exists before seeking to enter into a further contract; if such a relevant contract exists, this must be used unless there is an auditable reason not to.
 - Check with the *Procurement Manager* whether a suitable *Framework Agreement* is available from any *Contracting Authority* or *Professional Buying Organizations* (e.g. ESPO, GPS, YPO, CBC etc.) before starting a new procurement; where a suitable *Framework Agreement* exists, consideration must be given to procure from it unless there is an auditable reason not to.
 - Confirm that there is member or delegated approval for the expenditure and the procurement complies with the approved policy and scheme of delegation as set out in the *Constitution*.
 - If a *Tender* relates to a contract award which is a *Key Decision*, confirm that all appropriate steps have been taken.
 - See timely procurement, legal, financial, and other professional advice.
 - Confirm that they are authorised to use the *e-procurement* portal or obtain authorisation from the *Procurement Manager*.
 - Have regard to the guidance in the *Procurement Toolkit* and the *Procurement Strategy*.
 - Give consideration to *Contract Management* and prepare a business case if the project is over £50,000 or of *High Risk* or *High Profile*.
 - Keep records of all *Contracting Decisions taken*.
- 6.4 The *Officer* must ensure that timely advice is sought from the *Assistant Director (HR, Legal and Democratic Services)* when any employee either of the Councils or of a service provider may be affected by the Transfer of Undertaking (Protection of Employment) Regulations 2006 (*TUPE*) issues before proceeding with inviting *Tenders* or *Quotations*.

7. Contract formalities

7.1 All *Relevant Contracts* shall be in writing.

7.2 Advice from the *Service Manager (Shared Legal)* and the *Procurement Manager* must be sought for the following contract types:

- where the *Total Value* exceeds the *EU Threshold*
- those involving leasing arrangements
- where it is proposed to use a supplier's own terms and conditions
- those involving the procurement of application software with a *Total Value* of more than £50,000
- agreements involving the development of land for public benefit
- those that are complex in any other way.

7.3 All *Relevant Contracts* shall clearly specify:

- what is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done)
- the provisions for payment (i.e. the price to be paid and when)
- whether the price stated is inclusive or exclusive of Value Added Tax
- the time, or times, within which the contract is to be performed
- the provisions for the council(s) to terminate the contract

7.4 Guidance must be sought from the *Service Manager (Shared Legal)* for the terms and conditions that will apply to any contract with a value in excess of £50,000.

8. Procedure

8.1 *Specification and Award Criteria*

8.1.1 The *Officer* must prepare a *specification document* that describes the Council's requirements in sufficient detail to enable the submission of competitive offers before starting a procurement process. The *specification document* must include performance targets and/or the criteria for acceptance and must be outcome or output based.

8.1.2 Consideration must also be given by the *Officer* to economical, environmental and social benefits of any proposed procurement to include consulting stakeholders where appropriate. Further information is within the *Procurement Toolkit* or advice can be obtained from the *Procurement Manager*.

8.1.3 The *Officer* must define *Award Criteria* and any sub criteria that are appropriate to the procurement and designed to secure an outcome giving *Value for Money* for the council. The basic criteria shall be:

- 'Lowest price'
- 'Most economically advantageous', where considerations such as quality other than price also apply.

8.1.4 *Award Criteria* must not include:

- *Non-commercial Considerations*
- Matters which discriminate against suppliers from the *European Economic Area* or signatories to the *Government Procurement Agreement*.

8.1.5 Good practice requires that quoted prices or tendered prices must not be altered without justification. However where there is a risk that a priced document maybe subject to computational errors then the *Officer* must decide, at the time that the specification is agreed, how such errors will be treated and this should be detailed within the Specification. Further information is within the *Procurement Toolkit* or advice can be obtained from either the *Procurement Manager* or the *Service Manager (Shared Legal)*.

8.2 Advertisement of quotation or tender opportunities

8.2.1 *Officers* shall ensure that a sufficiently accessible advertisement is published to generate the appropriate level of interest in the contract. Examples of where such advertisements may be placed include:

- portal websites specifically created for contract advertisements to include *Suffolk Sourcing* and *Contracts Finder*.
- *Constructionline* or similar specialist portal websites created for contract advertisements
- the Council's website

- the Council’s Twitter account
- national official journals
- the Official Journal of the European Union (OJEU), Tenders Electronic Daily (TED) (even if there is no requirement within the *EU Procedure*)
- Any other appropriate mechanism in consultation with the *Procurement Manager* and *Service Manager (Shared Legal)*.

8.2.2 The Officer must ensure to give *Bidders* an adequate period in which to prepare and submit a *Quotation* or *Tender* consistent with the complexity of the contract requirement. Advice must be sought from the *Procurement Manager* but the following are recommended:

Quick Quotation	10 Calendar Days
Formal Quotation	28 Calendar Days
Formal Tender	28 Calendar Days
EU Tender	The timescales are prescribed and vary according to procedure utilised

8.2.3 No *Quotation* or *Tender* received after the date and time indicated in the *Request for Quotation* or *Invitation to Tender* shall be accepted or considered, other than exceptional circumstances and the *Officer* must consult with the *Monitoring Officer* and *Procurement Manager*.

9. Award procedure and detailed requirements

9.1 Go get it! (Up to £1,000)

9.1.1 Where the estimated value of goods, works or services to be supplied is less than £1,000 the *Officer* must be satisfied that the arrangements made secure the best available terms for the Council.

9.2 Quick quotation procedure (£1,001- £10,000)

9.2.1 All requests for a *Quotation* where the contract has a value of under £10,000 shall be subject to the Councils’ *Standard Terms and Conditions* unless other terms and conditions have been approved by the *Service Manager (Shared Legal)*.

- 9.2.2 *Officers MUST be able to evidence that Quotations were sought from at least three suppliers.*
- 9.2.3 *Officers are encouraged to use e-procurement portal as this adheres to the EU Treaty Principles.*
- 9.2.4 *If e-procurement has not been used then the Officer must ensure that:*
- *The date and time of receipt of each Quotation is suitably recorded*
 - *The details of the Quotation are not disclosed to any interested party*
 - *There are no changes or amendments to the Quotation after submission*
 - *All Quotations are evaluated at the same time and that each Bidder is simultaneously advised in writing of the outcome.*

9.3 Formal quotation procedure (£10,001- £50,000)

- 9.3.1 *The Request for a Formal Quotation shall be issued through the e-procurement portal utilising the standard template available in the Procurement Toolkit and shall specify the supplies, services or works that are required together with the appropriate terms and conditions of contract as agreed with the Service Manager (Shared Legal) and will state that no Formal Quotation will be considered unless it is received by the date, time and method stipulated.*
- 9.3.2 *All organisations invited to provide a Quotation must be issued with the same information at the same time and subject to the same conditions.*
- 9.3.3 *A minimum of three Formal Quotations shall be invited where the Officer is satisfied that competitive Quotations will be received from those three. Where the Officer is unsure of the market, consideration may be given to using an open process provided the Officer is satisfied that this will not generate an excessive volume of responses.*
- 9.3.4 *Providing clarification of a Request for a Quotation to a Bidder is permitted and is provided for within e-procurement.*

9.3.5 The *Officer* must consult with the *Procurement Manager* concerning the allocation of roles within *e-procurement*. It is recommended that the designated openers must include at least one lawyer on behalf of the *Service Manager (Shared Legal)*.

9.3.6 For the receipt and opening of a *Formal Quotation* there must be strict compliance with the requirements of *e-procurement*.

9.4 Formal tender procedure (£50,001- EU Threshold)

9.4.1 All procurement above £50,000 shall be conducted in accordance with advice from the *Procurement Manager* and shall be undertaken as an Open Tender Procedure using e-procurement system.

9.4.2 Open tender procedure

9.4.2.1 The *Invitation to Tender* shall be issued through the *e-procurement* portal and shall specify the supplies, services or works that are required together with the appropriate terms and conditions of contract as agreed with the *Service Manager (Shared Legal)*. It will also state that no *Tender* will be considered unless it is submitted via the *e-procurement* portal.

9.4.2.2 All organisations invited to provide a *Tender* must be issued with the same information at the same time and subject to the same conditions. All dialogue with *Bidders* during the process must be dealt with using the *e-procurement* portal.

9.4.2.3 Utilising the standard template available in the *Procurement Toolkit*, all *Invitations to Tender* shall include a *Form of Tender*, and other documentation as advised by the *Service Manager (Shared Legal)* or the *Procurement Manager*.

9.4.2.4 Providing *clarification* of an *Invitation to Tender* to *Bidder* is permitted and is provided for within *e-procurement*.

9.4.2.5 For the receipt and opening of a *Tender* there must be strict compliance with the requirements of *e-procurement*.

9.4.2.6 The *Officer* must ensure that there is approval from the *Assistant Director* before awarding any contract above the tender threshold.

9.5 EU (European Union) Tender Procedure (above EU Threshold)

9.5.1 All procurement above the *EU Thresholds* shall be conducted in accordance with advice from the *Service Manager (Shared Legal)* and the *Procurement Manager* and shall be undertaken using *e-procurement*. Provisions, such as those relating to the receipt and opening of *Tenders*, must be followed exactly in accordance with the legislation.

9.5.2 All transactions exceeding the *EU Thresholds* must be conducted in accordance with EU procedures and must be advertised in the Official Journal of the European Union (OJEU) which is available for contractors in all member states to see and respond to. Strict rules govern the process in relation to timescales, descriptions and selection procedures and these are in addition to these Contract Procedure Rules. Breaches of *EU Procurement Rules* are subject to harsh penalties for the Contracting Organisation. Advice must be sought from the *Procurement Manager* and the *Service Manager (Shared Legal)* in all circumstances where there is a likelihood of the *EU Thresholds* being exceeded. Further information regarding *EU Procurement Rules* is available within the *Procurement Toolkit*.

10. Collaborative arrangements

10.1 In order to secure *Value for Money*, the Council may enter into collaborative procurement arrangements. The *Officer* must consult with the *Procurement Manager* in these circumstances.

10.2 All procurement made via a local authority procurement consortium or a *Professional Buying Organisation (PBO)* are deemed to comply with these CPRs and no exemption is required. However, procurements above the *EU Threshold* must be let under the *EU Procedure*, unless the consortium has satisfied this requirement already by letting their contract in accordance with the *EU Procedures* on behalf of the Council and other consortium members.

10.3 Any contracts entered into through collaboration with other local authorities or other public bodies, where a competitive process has been followed that complies with the CPRs of the leading organisation, will be deemed to comply with these CPRs and no exemption is required. However, advice must be sought from the *Procurement Manager*.

10.4 Framework agreements

10.4.1 A *Framework Agreement* may be entered into with one provider, or, where an agreement is concluded with several organisations, there must be at least three providers. Advice must be sought from the *Procurement Manager* when a *Framework Agreement* is being considered. Contracts based on *Framework Agreements* may be awarded by either:

- Direct Call Off - applying the terms laid down in the *Framework Agreement* (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
- Mini Competition - where the terms laid down in the *Framework Agreement* are not precise enough or complete for the particular call-off, by holding a mini competition.

10.5 Dynamic purchasing systems (DPS)

10.5.1 A DPS is a completely electronic process. The DPS is open to any economic operator who meets the selection criteria and submits an indicative *Tender* that is found compliant. The *Contracting Authority* invites the *Bidders* admitted to the system to submit a *Tender* within a reasonable time limit.

11. Records and safekeeping

11.1 It is essential that for every Procurement exercise a record is kept by the *Officer*. Where *e-procurement* has been used then the system retains the records from after the *Request to Quote* or *Invitation to Tender* has been issued up to the Contract Award.

11.2 Where the *Total Value* does not exceed £50,000, the following records must be kept:

- *request to Quote and Quotations* (including name of *Bidder* and price)
- any exemption and the reason for them
- any *clarification* question and the answer
- *Award Criteria* if the award is most economically advantageous
- details of how the *Quotations* were stored before opening
- when and how the *Quotations* were opened
- written records or communications with the successful *Bidder* or an electronic record if written record of the transaction would normally not be produced.

11.3 Where the *Total Value* exceeds £50,000 the *Officer* must record:

- the method for obtaining bids
- pre-tender market research
- any *Contracting Decision* and the reasons for it
- any exemption together with the reasons for it
- the *Award Criteria* in descending order of importance and any sub criteria
- the *Invitation to Tender* sent to and received from the *Bidder*
- *clarification* and post-tender negotiation (to include minutes of meetings)
- the contract documents
- post-contract evaluation and monitoring
- communications with the *Bidder* and with the successful contractor throughout the period of the contract.

11.4 Records which relate to an unsuccessful *Tender* must be kept for a minimum period of one year from the start of the Contract.

11.5 *Contracting Decisions* and Post Tender Negotiation with the successful *Bidder* must be retained for one year after the term of the contract has expired whilst all other records must be retained for 6 years after the term of the contract has expired unless the Contract is under seal when they must be retained for 12 years after the term of the contact has expired.

11.6 Details of all *Renewable Contracts* (regardless of value) are and shall be held on a register by the *Procurement Manager* to include:

- the title of the contract and reference number

- the parties to the contract
- the name of the service and contract manager primarily responsible for the contract
- the estimated total value of the contract or the estimated annual spend or budget
- the start date, end date, review dates and any date to which the contract may be extended
- the procurement method to include details of any *Framework Agreement*.

11.7 The original executed and completed copy of all contracts over the value of £50,000 and all contracts over the *EU Threshold* shall be passed to the *Service Manager (Shared Legal)* for safe-keeping.

11.8 *Assistant Directors* shall be responsible for the safekeeping of all other contracts falling within their designated functions.

11.9 *Officers* shall provide the *Procurement Manager* with a scanned copy of any completed contract as soon as practicable.

12. Evaluation, award of contract, and debriefing bidders

12.1 Apart from the debriefing required or permitted by these CPRs, the confidentiality of *Quotations*, *Tenders* and the identity of *Bidders* must be preserved at all times and information about one *Bidder's* response must not be given to another *Bidder*.

12.2 Contracts must be evaluated and awarded in accordance with the *Award Criteria*. During this process, *Officers* shall ensure that submitted prices are compared with any pre-process estimates and that any discrepancies are examined and resolved satisfactorily.

12.3 The arithmetic in compliant *Quotations* or *Tenders* must be checked. If computational errors are found in the lowest or most economically advantageous bid, then advice must be sought from the *Service Manager (Shared Legal)* before they must be notified to the *Bidder*. Further the *Request to Quote* or *Invitation to Tender* must be reviewed to ascertain the procedure in these circumstances.

12.4 *Officers* may accept *Quotations* and *Tenders* received in respect of proposed contracts, provided that they have been sought and

evaluated fully in accordance with these CPRs and they do not exceed the budget provision. Only the successful *Bidder* will be subject to the appropriate *Financial Vetting*.

12.5 Where the *Total Value* is above the *EU Threshold*, the *Officer* must notify all *Bidders* simultaneously and as soon as possible of the intention to award the contract to the successful *Bidder*. The *Officer* must provide unsuccessful *Bidders* with a period of at least ten days in which to challenge the decision before the *Officer* awards the contract. If the decision is challenged by an unsuccessful *Bidder*, then the *Officer* shall not award the contract and shall immediately seek the advice of the *Service Manager (Shared Legal)*.

12.6 The *Officer* shall debrief in writing all those *Bidders* who submitted a *Tender* about the characteristics and relative advantages of the leading *Tenderer*. No information, other than the following, must be given without taking the advice of the *Procurement Manager* or the *Service Manager (Shared Legal)*:

- how the *Award Criteria* were applied
- the prices or range of prices submitted, in either case not correlated to *Bidders'* names.

12.7 If a *Bidder* requests in writing the reasons for any *Contracting Decision* (to include those deselected in any pre-tender shortlisting process) the *Officer* must give the reasons in writing within 15 days of receipt of the request. Guidance must be sought from the *Procurement Manager*.

13. Post-tender negotiation

13.1 Post-tender negotiation means discussions with a *Bidder*, or a number of *Bidders*, and can be a useful tool in making improvements to Quotations or Tenders. It can ensure that the Council obtains true value for money by purchasing an acceptable finished product at a competitive but fair market price, within the time stipulated. It can also ensure that potential suppliers have no illusions or misunderstandings as to their exact obligations under the terms of any contract. Further Guidance is available within the Procurement Toolkit.

- 13.2 Advice must be obtained from the *Service Manager (Shared Legal)* prior to entering into any Post-Tender Negotiations. Where post-tender negotiation results in a material change to the specification (or contract terms) the contract must not be awarded and must be re-tendered.
- 13.3 Negotiations must not take place unless the Formal Quotation or Tender specifically reserves the right to do so. Any negotiations will occur following the closing date for receipt of Quotations or Tenders but before award of the contract.

Glossary of Terms

Agent	A person or organisation acting on behalf of the Council or on behalf of another organisation.
Award Criteria	The criteria by which the successful Quotation or Tender is to be selected.
Award Procedure	The procedure for awarding a contract.
Best Value	The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the council. [See also Value for Money].
Bidder	Any person, firm or organisation who asks to be or is invited to submit a quotation or Tender.
Bond	An insurance policy in the form of either a Performance <i>Bond</i> or a Guarantee <i>Bond</i> : if the contractor does not do what it has promised under a contract with the council, the council can claim from the insurer the sum of money specified in the <i>bond</i> . A <i>bond</i> is intended to protect the council against a level of cost arising from the contractor's failure.
Cabinet	The Council's <i>Cabinet</i> as defined in the Constitution.
Cabinet Member	A member of the <i>Cabinet</i> to whom political responsibility is allocated in respect of specified functions.
Clarification	A request for information from a bidder during the process. The information, if supplied, is to be provided to all Bidders. Alternatively additional information to be supplied to all Bidders during the process.
Constitution	The legally binding constitutional document approved and adopted by the council which:

	<ul style="list-style-type: none"> • allocates powers and responsibility within the council and between it and others • delegates authority to act to the <i>Cabinet</i>, Committees, Portfolio Holders, Director or Assistant Directors and Officers • regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.
Consultant	Someone employed for a specific length of time to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, <u>and</u> where the council has no ready access to employees with the skills, experience or capacity to undertake the work.
Contract Award	Process by which the successful bidder and the unsuccessful bidders are advised of the outcome of the evaluation.
Contract Register	The register to be kept and maintained by the Procurement Manager recording details of all renewable contracts entered into by the council.
Contracting Authority	An authority that has established a Framework Agreement that is available for use by other organisations within the Public Sector.
Contracting Decision	Any decisions which impacts on either the procedure or the outcome of the process to include: <ul style="list-style-type: none"> • withdrawal of Invitation to Tender • whom to invite to submit a Quotation or Tender • shortlisting • award of contract • termination of a contract.
E-procurement	A secure means to store and transmit Expressions of Interest, Invitations to Tender and other documentation in relation to Tenders (e.g. to receive queries from Candidates, and to issue Tender <i>clarifications</i> , Invitations to Submit Outline and Detailed Proposals, and Best and Final Offers), and then to receive and manage Tenders

	electronically via the Internet. Any process used must be compliant with HMG Information Security Standards, the requirements of the Manual of Protective Security and all UK legislation relevant to the processing of information.
EU Procedure	The procurement procedure required to be followed by the EU where the Total Value exceeds the EU Threshold.
EU Threshold	The contract values at which the EU public procurement directives apply, as amended from time to time.
E U Treaty Principles	The principles enshrined within the various Treaties. Although these apply directly to all procurement activity above the E U Threshold, they should apply, as a matter of good practice, to all procurement regardless of value.
European Economic Area	The members of the European Union, and Norway, Iceland and Liechtenstein.
Financial Procedure Rules	The council's financial regulations incorporated within its <i>Constitution</i> .
Financial Vetting	The process by which Officers appointed by Assistant Director (Resources and Performance) review the information supplied by the Bidder or Bidders to establish their financial suitability.
Formal Quotation	To process of obtaining a quotation using the e-procurement portal. Officers can either invite a number of suppliers to submit Bids or, alternatively, use the open process whereby the project is advertised generally and any supplier can submit a bid.
Framework Agreement	An agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Examples of Framework Agreements include those awarded by the

	Government Procurement Service and others.
Government Procurement Agreement	The successor agreement to the General Agreement on Trade and Tariffs. The main signatories other than those in the European Economic Area are the USA, Canada, Japan, Israel, South Korea, Switzerland, Norway, Aruba, Hong Kong, China, Liechtenstein and Singapore.
Government Procurement Service	Government Procurement Service (formerly Office of Government Commerce Buying Solutions).
Assistant Director (HR, Legal and Democratic Services)	As identified in the <i>Constitution</i> or another officer of the Council nominated by the Assistant Director (HR, Legal and Democratic Services) for the purposes of these Contract Procedure Rules and in a specific procurement exercise.
Assistant Director (Resources and Performance)	As identified in the <i>Constitution</i> or another officer of the Council nominated by the Assistant Director (Resources and Performance) for the purposes of these Contract Procedure Rules and in a specific procurement exercise.
Assistant Director	An Assistant Director as identified in the <i>Constitution</i> or another officer of the Council nominated by one of these to act in the capacity of Assistant Director for the purposes of these Contract Procedure Rules and in a specified procurement exercise.
High Profile	A high-profile procurement is one that could have an impact on functions integral to council service delivery should it fail or go wrong.
High Risk	A high-risk procurement is one which presents the potential for substantial exposure on the council's part should it fail or go wrong.
High Value	A high-value procurement is where the value exceeds the EU Threshold.
Invitation to Tender	Invitation to tender documents in the form required by these Contract Procedure Rules.

Key Decision	Decisions that are defined as key decisions in the Constitution.
Line Manager	The Officer's immediate superior or the Officer designated by the Director or Assistant Director to exercise the role reserved to the line manager by these Contract Procedure Rules.
Monitoring Officer	As identified in the <i>Constitution</i> .
Nominated Suppliers and Sub-Contractors	Those persons specified in a main contract for the discharge of any part of that contract.
Non-commercial Considerations	<p>Considerations which may either be brought to the attention of the officer and may be within his own knowledge but have no significance when evaluating a potential bidder. To include:</p> <ul style="list-style-type: none"> • The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of, or the other opportunities afforded to, their workforces ('workforce matters'). • Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only. • Any involvement of the business activities or interests of contractors with irrelevant fields of government policy. • The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes'). • The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.

	<ul style="list-style-type: none"> • Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees. • Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support. • Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984. • Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be non-commercial considerations to the extent necessary or expedient to comply with <i>Best Value</i>; or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.
Officer	The officer designated by the Assistant Director to deal with the contract in question.
Officers' Code of Conduct	The joint Officers' Code of Conduct adopted by both councils and regulating conduct of Officers, as incorporated into the <i>Constitution</i> .
Parent Company Guarantee	A contract which binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.
Post Tender Negotiations	In limited circumstances negotiations can take place with Bidders after the evaluation process has been completed and prior to the Contract Award.
Procurement Manager	The Officer appointed by the Assistant Director (Resources and Performance) to provide Procurement advice across the Councils.
Procurement Strategy	The document setting out the council's corporate approach to procurement and key priorities.

Procurement Toolkit	The suite of internal guidance documents, together with a number of standard documents and forms, available on the intranet, which supports the implementation of these Contract Procedure Rules.
Professional Buying Organisation	An organisation established by one or more authorities for the sole purpose of setting up Framework Agreements thereby enabling collaborative purchasing.
Quick Quotation	A simplified quotation process whereby a number of quotations are sought from at least 3 suppliers without using the e-procurement portal.
Quotation/Quote	A quotation of price and any other relevant matter (without the formal issue of an Invitation to Tender). See also Quick Quotation and Formal Quotation .
Relevant Contract	Contracts to which these Contract Procedure Rules apply.
Renewable Contract	Contracts which are for repeatable purchases of Goods or Services or Works and are not one-off purchases.
Request for Quotation	Request for Quotation documents in the form required by these Contract Procedure Rules.
Service Manager	The Line Manager's immediate superior.
Service Manager (Shared Legal)	As identified in the <i>Constitution</i> .
Shortlisting	The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.
Specification	A clear description of the requirements under the Contract. The amount of detail will vary according to the value and complexity of the purchase.
Standard Terms and Conditions	The terms and conditions agreed by the Council as being applicable in all contracts as an alternative to either bespoke Terms and Conditions or the Terms and Conditions of the other Party to the Contract or

	Agreement.
Tender	A Candidate's proposal submitted in response to an Invitation to Tender.
The Public Contracts Regulations 2006	The Public Contracts Regulations 2006 (SI 2006 No. 5), as amended or replaced from time to time.
Total Value	<p>The whole of the value or estimated value (in money or equivalent value) for a single procurement or disposal calculated as follows:</p> <ul style="list-style-type: none"> (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period (b) where the procurement involves recurrent transactions for the same type of item, by aggregating the value of those transactions in the coming 12 months (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48 (d) for feasibility studies, the value of the scheme or contracts which may be awarded as a result (e) for Nominated Suppliers and Sub-contractors, the total value shall be the value of that part of the main contract to be fulfilled by the Nominated Supplier or Sub-contractor.
TUPE	<p>Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No. 246): subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the Council is transferred from one organisation (e.g. private contractor or local authority in-house team) to another (e.g. following a contracting out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to</p>

	<p>enjoy the same terms and conditions, with continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.</p>
<p>Value for Money</p>	<p>Value for money is not the lowest possible price; it combines goods or services that fully meet the council's needs, with the level of quality required, delivery at the time the council needs it, and at an appropriate price.</p>

Forest Heath District Council

West Suffolk Financial Procedure Rules

1. Introduction

- 1.1 These Financial Procedure Rules (FPRs) have been issued in accordance with Section 151 of the Local Government Act 1972, the Accounts and Audit (England) Regulations Act 2011, the provisions of Section 114 of the Local Government Finance Act 1988 and Sections 4 and 5 of the Local Government and Housing Act 1989.
- 1.2 The FPRs have been adopted by both Forest Heath District Council and St Edmundsbury Borough Council (the Councils) to provide a framework of control, responsibility and accountability for the administration of the Councils' financial affairs. The FPRs are, in many of the areas detailed below, supported by more detailed guidance and procedures which set out how they will be implemented.
- 1.3 The FPRs are intended to clarify the powers and duties to be exercised with regard to the principles of good financial management. All employees must comply with the FPRs. Officers must ensure that any Agents, Consultants and contractual partners acting on the Councils' behalf also comply. Any queries regarding the interpretation of the FPRs should be directed to the Section 151 Officer.
- 1.4 For the purposes of these FPRs there is a requirement for all communication to be in writing except where otherwise specified. This shall be deemed to include electronic communication.
- 1.5 Where inconsistencies may appear to arise the order of precedence shall be:
 - (i) Legislation
 - (ii) Other Rules of Procedure in Part x of this Constitution
 - (iii) Scheme for the Responsibility for Functions (Part x of this Constitution)
 - (iv) Financial Procedure Rules.

2. General Financial Management

Section 151 Officer

- 2.1 The Section 151 Officer is responsible for administering the financial affairs of the Councils and for establishing proper systems of internal control to ensure that:
- the policies of the Councils and statutory requirements are adhered to;
 - the business of the Councils is carried out in an orderly, efficient and effective manner;
 - the Councils' records are complete and accurate;
 - financial information and reporting is timely and accurate; and
 - the assets of the Councils are safeguarded.
- 2.2 The Section 151 Officer shall make and control arrangements for the payment of the Councils' creditors and for the collection, custody and accounting of all monies received by the Councils.
- 2.3 The Section 151 Officer shall establish an adequate and effective internal audit of the Councils' accounting records and system(s) of internal control.
- 2.4 The Section 151 Officer shall have access to all records, cash or other Council property as required for audit purposes. If required the Section 151 Officer may also request access to such information and explanations from any Officer or Member as may be necessary for audit purposes.
- 2.5 The Section 151 Officer shall prepare and publish the Annual Accounts of the Councils in accordance with statutory requirements and the policies of the Councils.
- 2.6 The Section 151 Officer is responsible for making all statutory returns and the like to H M Customs and Excise in relation to Value Added Tax, and for the obtaining and giving of advice and guidance to the Council and Chief Officers on Value Added Tax matters.
- 2.7 Each Chief Officer is responsible for ensuring the correct treatment of Value Added Tax on all accounts payable by, and all invoices raised by, their departments.

Budget holders

- 2.8 Budget holders shall maintain financial records and accounts that can be accessed by the Section 151 Officer when required. The financial records shall be retained by budget holders for such periods as required for Council or statutory purposes.
- 2.9 Budget holders will endeavour to manage all financial records and accounts using the Council financial management system. This will enable the Section 151 Officer to maintain effective control and audit of the financial affairs of the Councils.
- 2.10 Budget holders shall consult with the Joint Leadership Team on any matter which is liable to affect the finances of the Councils. No report to the Cabinet or relevant committee shall be made until such consultation has taken place.
- 2.11 Budget holders may designate officers to be responsible for authorising financial transactions on their behalf. Budget Holders must inform the Section 151 Officer of all officers with delegated financial responsibilities.
- 2.12 Budget holders, in consultation with the Section 151 Officer, are responsible for ensuring that all financial affairs of the Council are managed in a properly controlled environment and compliant with the Council Information Security Policy.

Reporting

- 2.13 Any employee that suspects any irregularity should raise their concerns with their line manager and in accordance to the Whistleblowing Policy.
- 2.14 The Chief Executive Officer and the Section 151 Officer will take such steps as they consider necessary by way of investigation and report.

Controlled stationery

- 2.15 The Section 151 Officer shall control the issue and use of controlled stationery. Controls on the use of such stationery must be adequate to enable usage to be traced and to prevent incorrect or fraudulent usage.

- 2.16 Budget Holders shall be responsible for the security and use of controlled stationery and are not permitted to obtain controlled stationery other than from the Section 151 Officer.

3. Banking arrangements

- 3.1 The Section 151 Officer shall make and control arrangements as necessary for the operation of banking services for the Councils.
- 3.2 All monies received on behalf of the Councils should be brought to the attention of the Section 151 Officer and banked in accordance with their instructions.
- 3.3 The Section 151 Officer shall arrange payments or transfers to and from the Councils' bank accounts by the use of electronic methods.
- 3.4 The Section 151 Officer shall ensure that all bank accounts and credit cards operated by the Councils are reconciled at intervals of no longer than one calendar month.

4. Forward financial planning

- 4.1 The Section 151 Officer will prepare, for the Cabinets, a timetable each year for the preparation, submission and approval of the forward financial plan covering revenue budgets and capital expenditure.
- 4.2 The Section 151 Officer will ensure that the forward financial plan is prepared in accordance with the timetable and any guidelines issued by the Cabinets.
- 4.3 The Cabinets shall consider the proposed forward financial plan and each year shall submit appropriate recommendations to the Councils. The report shall include a recommendation as to the council tax to be levied in the following financial year.
- 4.4 The Section 151 Officer shall provide financial information in an appropriate form for the continuous monitoring and control of financial activities of the Councils by the Cabinets and each Committee with finances allocated to it.
- 4.5 The Section 151 Officer shall inform the Cabinets of any significant variation to the financial plan during the financial year. If for any reason any head budget of approved expenditure may be exceeded or the estimated income not reached, the Section 151 Officer shall

inform the Cabinet or relevant Committee together with a proposal to address the situation.

- 4.6 Any proposal to incur expenditure, either capital or revenue, above those limits set out on the Councils' budget and policy rules, that is not included in the existing financial plan or budget shall be recommended by the Cabinet to the Council. The recommendation must include the full financial implications of the proposal.

5. Expenditure

Official orders

- 5.1 Official orders shall be issued using the Councils' financial system, for all works, goods or services to be supplied to the Councils except for supplies of public utility services, for periodical payments such as rent or rates, for petty cash purchases or other exemptions approved by the Section 151 Officer.
- 5.2 Procurement of works, goods or services to be supplied to the Councils shall be completed in accordance with the Councils' Contract Procedure Rules.
- 5.3 Official orders shall specify the nature and quantity of goods, services, or works required, any relevant contract, and the agreed prices.
- 5.4 Official orders shall not be issued for works, goods or services unless the cost is within an approved estimate or other financial provision.

Certificates for payment

- 5.5 All certificates for payment shall be authorised for payment by the signature, or electronic signature (approval) via the councils financial management system, of the appropriate budget holder or other authorised signatory, as agreed by the Section 151 Officer. Such authorisation shall imply that:
- 5.5.1 the expenditure is within an approved estimate or other financial provision;
 - 5.5.2 the expenditure has been coded to the correct financial heading;
 - 5.5.3 the goods, services or works have been supplied and are satisfactory;

- 5.5.4 appropriate prices have been charged for the goods, services or works;
 - 5.5.5 all conditions imposed by the order or contract agreement have been substantially complied with;
 - 5.5.6 where applicable Value Added Tax, Construction Industry Tax or any other relevant taxation requirements are complied with;
 - 5.5.7 the certificate for payment has not previously been passed to the Section 151 Officer for payment; and
 - 5.5.8 appropriate entries have been made in all relevant inventories, stock records or asset registers.
- 5.6 To reduce multiple certificates for payment, budget holders should aim to agree payment within 30 days of receipt of invoice. Invoices will be paid by BACS where possible.
- 5.7 The Section 151 Officer shall examine accounts passed for payment and shall make such enquiries and receive such information as necessary to establish that the payments are in order.

Advance accounts (petty cash, change floats etc.)

- 5.8 The Section 151 Officer may provide advance accounts to designated officers for petty cash or for change float purposes.
- 5.9 The maximum limit of advance accounts shall be agreed with the Section 151 Officer and not exceeded without permission of the Section 151 Officer. Appropriate safes and other receptacles shall be provided as required.
- 5.10 The officers responsible for advance accounts shall maintain a record of their transactions in the form and manner required by the Section 151 Officer.
- 5.11 Payments from advance accounts shall be limited to minor items of expenditure not exceeding £20. The claim must be supported by a receipted voucher and properly authorised claim form.
- 5.12 Officers with responsibility for an advance account shall be required to provide information about the state of the account to the Section 151 Officer as necessary.
- 5.13 If the advance account is no longer required or an officer ceases to be responsible for holding an account, the relevant budget holder

shall ensure that the balance of the advance account is returned to the Section 151 Officer.

6. Income

- 6.1 Budget holders shall notify the Section 151 Officer of all money due to, or expected by, the Councils. This includes sponsorship or grant income, contracts, leases and other agreements entered into which involve the receipt of monies.
- 6.2 Where cheques are paid in, the amount of each cheque and a reference to enable the cheque to be traced shall be recorded on the banking paying-in-slip or a format agreed with the Section 151 Officer.
- 6.3 An official receipt is a written or printed acknowledgement given on behalf of the Councils for monies received. Such acknowledgement shall be given from a cash receipting system which has been approved for use by the Section 151 Officer.
- 6.4 All monies shall be held and transported securely in accordance with any requirements from the Section 151 Officer.
- 6.5 Each budget holder is responsible for ensuring that accounts are promptly and accurately raised in respect of charges for work done or goods or services supplied. This includes cases where sponsorship money or grant income is due.
- 6.6 The Section 151 Officer may write off irrecoverable debts up to a limit of £2500 in any one case. Irrecoverable debts in excess of this amount shall be referred to the relevant Cabinet.

7. Contracts

- 7.1 All contracts made for and on behalf of the Councils shall be subject to the Contract Procedure Rules, these FPRs and any other statutory provision, except in circumstances where the Council is acting as an agent for another organisation which specifically directs otherwise.
- 7.2 The Section 151 Officer shall maintain a register of payments due and made under formal contracts over £50,000 to show the state of account on each contract between the Council and the contractor, together with any other payments.

- 7.3 Payment on account of the contract sum shall be made only on a certificate signed by the appropriate budget holder. The certificate shall show, as a minimum, the total amount of the contract, the value of work executed to date, retention money, amount paid to date and the amount now certified.
- 7.4 Before a certificate for final payment under a contract is paid, the appropriate budget holder shall produce to the Section 151 Officer a detailed written statement of account, together with such other documents as may be required.
- 7.5 The appropriate budget holder shall be empowered to authorise an extra, or variation in a contract. Where the variation is estimated to result in a material increase in the contract sum it shall be reported to the next meeting of the relevant Cabinet.
- 7.6 Where completion of a contract is delayed, except for reasons qualifying for an extension of the contract, it shall be the duty of the budget holder to supply the Section 151 Officer with all necessary information to allow the correct amount of Liquidated and Ascertained Damages to be claimed.

8. Treasury Management

- 8.1 The Councils have adopted the Chartered Institute of Public Finance and Accountancy (CIPFA) "Code for Treasury Management in Local Authorities". If deemed necessary, the Section 151 Officer shall advise the Cabinets of any significant amendment to the CIPFA Code.
- 8.2 The Section 151 Officer shall be authorised to make investment, borrowing and financing decisions on behalf and in the name of the Councils. All decisions shall be taken in accordance with the Councils' Treasury Management Investment Strategy.
- 8.3 All monies held by the Councils shall be aggregated for the purposes of treasury management and shall be under the control of the Section 151 Officer.
- 8.4 All investments and borrowing, including for any Trust administered by the Councils, shall be made in the name of the Councils and any deeds relating to such funds shall be deposited with the Monitoring Officer or otherwise as deemed appropriate by the Section 151 Officer.

8.5 The Section 151 Officer is given the authority to deal with any emergency situation that may arise in relation to any matters not already delegated within the Treasury Management Policy. Use of emergency authority will be reported at the next meeting of the relevant Cabinet.

9. Staffing

9.1 The Assistant Director (HR, Legal and Democratic Services) shall make and control arrangements for the payment of salaries, wages, expenses and benefits to employees in accordance with the approved salary scales and wage rates.

9.2 The Assistant Director (HHR, Legal and Democratic Services) shall be provided with the appropriate documentation required to ensure the payment of salaries, wages, pensions and other expenses due to employees.

9.3 All claims for payment must be made as soon as possible and in no circumstances should a claim be delayed for more than three months after the date on which the work was done or the expenses incurred.

9.4 Matters which affect employee payments shall be referred direct to the Assistant Director (HR, Legal and Democratic Services). Notification shall include:

9.4.1 Details of all appointments, resignations, dismissals, suspensions, secondments and transfers;

9.4.2 Details of any training;

9.4.3 Changes in remuneration except for national pay increases;

9.4.4 Absence from duty for sickness or other reason, apart from approved leave; and

9.4.5 Information necessary to maintain records for pension, income tax, national insurance etc.

9.5 The Assistant Director (HR, Legal and Democratic Services) shall maintain appropriate records and make arrangements for the payment of sums due to Councillors in accordance with the Allowance Scheme approved by the relevant Council.

9.6 The Section 151 Officer shall be authorised to write off any irrecoverable overpayment of salaries, wages or expenses up to a limit in any one case of £2500. Sums in excess of this amount shall be referred to the relevant Cabinet.

10. Insurance

- 10.1 The Section 151 Officer shall make and control arrangements for the provision of necessary insurance cover and for the negotiation of any insurance claims.
- 10.2 The Section 151 Officer shall obtain competitive quotations from insurers for the provision of insurance at least every five years unless otherwise determined by the current contract term or the relevant Cabinet.
- 10.3 All budget holders shall notify the Section 151 Officer of all insurable risks arising from the activities carried out in their area of operation. Such notification shall include:
 - 10.3.1 The acquisition of any property which is capable of insurance against fire or other risks;
 - 10.3.2 Any amendment to the value of any Council-owned asset likely to affect the insurable risk;
 - 10.3.3 Any insurable risk which may arise through the activities of Councillors or employees of the Council.
- 10.4 All Chief Officers shall notify the Section 151 Officer of the occurrence of any event which may give rise to a claim under any policy of insurance held by the Council or to an ex gratia payment.
- 10.5 The Section 151 Officer shall be authorised to make the appropriate reimbursement of any insurance claim up to the excess limit of the insurance policy concerned.
- 10.6 The Section 151 Officer shall in consultation with the Assistant Director (HR, Legal and Democratic Services) be authorised to make appropriate ex gratia payments and write off the loss of any stores, equipment and other assets up to £500.
- 10.7 All appropriate employees of the Councils shall be included in a suitable fidelity guarantee insurance.
- 10.8 Officers shall consult the Section 151 Officer and the Assistant Director (HR, Legal and Democratic Services) in respect of the terms of any indemnity which the Councils are requested to give.

11. Property

- 11.1 The Assistant Director (Operations) is the Councils' Asset Registrar and shall maintain an asset register and associated records of all land and buildings owned, leased or managed by the Councils.
- 11.2 An annual report of vacant and underused properties owned by the Councils shall be made to the relevant Cabinet.
- 11.3 The Assistant Director (HR, Legal and Democratic Services) shall have custody of and keep all title deeds in a secure manner.
- 11.4 Where land or buildings are no longer required for their intended use the Asset Registrar shall report to the relevant Cabinet on the suggested future use, or disposal, of the asset.
- 11.5 All officers shall be responsible for maintaining proper security of staff and assets under their control.
- 11.6 The Section 151 Officer shall be responsible for ensuring that adequate controls and security procedures are maintained in connection with the Councils' information technology systems and installations.

12. Glossary of Terms

- 12.1 Further details of the definitions, specific responsibilities and delegations of Chief Officers and Budget Holders referred to above, are contained in the Scheme of Delegation for Officers, as contained in Part 3, Responsibility for Functions of the Council's Constitution.

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Forest Heath District Council

JOINT INDEPENDENT REMUNERATION PANEL PROCEDURE RULES

Forest Heath District Council and St Edmundsbury Borough Council (“the Councils”) have established a Joint District / Borough Independent Remuneration Panel to make recommendations on remuneration levels for District and Borough Councillors.

1.0 TERMS OF REFERENCE

1.1 The Panel shall be in place for a term of office for 4 years, commencing 1 June 2016, expiring on 31 May 2020. The Panel shall produce a report by the 30 November each year, making recommendations to each of the District and Borough Councils as to:

- a) the amount of the basic allowance which should be payable to its Elected and Co-opted Members;
- b) the responsibilities, roles or duties where special responsibility allowance should be payable and the amount of such allowances;
- c) the amount of any travelling and subsistence allowance which should be payable to its Elected and Co-opted Members;
- d) whether child care and dependants’ carers’ allowance should be payable and the amount of such allowance;
- e) Annual adjustment / increase of allowances;
- f) such other functions as may be allocated to the Panels by Statute, from time to time.

1.2 The Panel’s Reports shall be submitted to the Councils by way of the Chairman of the Panel.

2.0 PANEL MEMBERSHIP AND APPOINTMENT

2.1 The Membership of the Joint Independent Remuneration Panel shall consist of up to 6 Members appointed by the Joint Independent Remuneration Selection Panel.

2.3 The following persons cannot be appointed to the Panel, namely a person:

- a) who is a Member or Co-opted Member of either of the Councils; or
- b) a person who is disqualified from being or becoming an elected Member of either of the Councils.

- 2.4 Appointment to the Panel shall be for a period of not more than 4 years.
- 2.5 A Member of the Panel may be reappointed following the end of their term of appointed provided that the Councils carry out a recruitment process involving public advertisement.

- 2.6 The Members of the Panel shall receive the following allowances to be reviewed every 4 years:

Panel Members: £100.00 per Meeting attended.

- 2.7 Wherever possible the Panel Members shall be treated as separate and individual consultants who are responsible for their own tax, National Insurance etc.

- 2.8 A person specification shall be drawn up and agreed by the Joint Independent Remuneration Selection Panel, to ensure that the candidates who are appointed:

- a) are able to demonstrate a high degree of personal integrity;
- b) are not Members of any Local Authority and are not disqualified from being or becoming a Member of a Local Authority;
- c) have, if possible, the appropriate level of skill, knowledge and understanding of setting remunerations;
- d) have the necessary time and commitment for the role;
- e) will disclose the extent of their connections to any political party or other group and whether these are such as to risk the effective discharge of the Panel's functions were the candidate to be appointed.

- 2.9 Terms of appointment shall include a provision that the Council will have the right to remove particular Members from the Panel before the 4 year term expires in special circumstances such as:

- a) Becoming disqualified for any of the following reasons:
 - An elected Councillor of any Local Authority;
 - Employed by Forest Heath District Council or St Edmundsbury Borough Council;
 - A senior employee (in a politically restricted post) of another local authority;
 - The subject of a bankruptcy restrictions order or interim order;
 - Subject to a conviction in the last 5 years of an offence with a sentence of imprisonment (whether suspended or not) for a period of not less than 3 months without the option of a fine; and

- In debt to or in dispute with Forest Heath District Council or St Edmundsbury Borough Council.
- b) Breach of confidentiality.
 - c) Persistent non-attendance; and
 - d) Any other act or behaviour which may bring the Panel or the Councils into disrepute.

3.0 PANEL OPERATING RULES

3.1 The Panel's terms of office shall commence on 1 June 2016;

3.2 The Panel shall:

- a) appoint its own Chairman at the first Meeting and, thereafter, at the first Meeting in each Municipal year;
- b) require a quorum of 3 at all Meetings;
- c) meet a minimum of once in each Municipal year, with such additional Meetings as necessary to fully discharge the functions of the Panel; and
- d) otherwise devise its own rules for the conduct of Meetings providing that such rules are consistent with legislative requirements and good governance practice.

4.0 DELEGATED FUNCTIONS

4.1 The Panel shall have the following delegated functions:

- a) To research Members' Allowances schemes in other relevant Authorities;
- b) To gather evidence from interested persons and relevant organisations
- c) To conduct interviews with relevant persons; and
- d) To produce the Annual Report to the Councils, in line with the Terms of Reference of the Panel, and the Chairman of the Panel to present recommendations at both Council meetings.

4.2 Note:

- a) A copy of the relevant Report shall be provided to the relevant Council;

- b) Once having received the Report, the Council shall, as soon as reasonably practicable, ensure that copies of that Report are available for inspection by members of the public at the principal office of the Authority, at all reasonable hours; and
- c) Once having received the Report, the Council shall publish in one or more newspapers circulating in its area, a notice which:
 - i) states that it has received recommendations from an Independent Remuneration Panel in respect of its scheme;
 - ii) describes the main features of the Panel's recommendations;
 - iii) specifies the recommended amounts of each allowance mentioned in the Report in respect of that Authority;
 - iv) states that copies of the Panel's Report are available at both Councils offices for inspection by members of the public at such times as may be specified by the Councils in the notice; and
 - v) specifies the addresses of both Councils offices at which such copies are made available.
- d) The relevant Councils shall supply a copy of any Report made by the Panel, where possible electronically, to any person who requests a copy. Where a hard copy is provided, both Councils may charge such reasonable copying and postage fees, as may be determined from time to time.

PART 5

CODES OF CONDUCT

**FOREST HEATH DISTRICT COUNCIL
CONSTITUTION**

PART 5

CODES OF CONDUCT

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Forest Heath District Council

Suffolk Local Code of Conduct for Members

In accordance with S 26 to 37 of the Localism Act 2011 on 9th May 2012 Forest Heath District Council (the Council) resolved to adopt the Suffolk Local Code of Conduct for the purposes of discharging its duty to promote and maintain high standards of conduct within its area.

Until otherwise amended or replaced by a decision of the Council, the Suffolk Local Code of Conduct set out below shall hereafter apply to all elected members and any co-opted members entitled to vote on any decisions of the council or its committees, sub committees or joint committees when acting in their capacity as a member of the Council.

Preamble

The Suffolk Local Code of Conduct shall be interpreted in accordance with the following 7 principles of public life identified by the Committee on Standards in Public Life chaired by Lord Nolan:

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

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

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

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

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

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

Leadership - Holders of public office should promote and support these principles by leadership and example.

SUFFOLK LOCAL CODE OF CONDUCT

1. You must treat others with respect.
2. You must not —
 - (1) do anything which may cause your council to breach any of the Council's duties under the Equality Act 2010
 - (2) bully any person;
 - (3) intimidate or attempt to intimidate any person who is or is likely to be—
 - (a) a complainant,
 - (b) a witness, or
 - (c) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her council's code of conduct; or
 - (4) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your council.
3. You must not —
 - (1) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (a) you have the consent of a person authorised to give it;
 - (b) you are required by law to do so;
 - (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (d) the disclosure is reasonable, in the public interest, made in good faith and in compliance with the reasonable requirements of the council; or
 - (2) prevent another person from gaining access to information to which that person is entitled by law
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or council into disrepute.
5. You —
 - (1) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (2) must, when using or authorising the use by others of the resources of your council—
 - (a) act in accordance with your council's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

6. (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—
 - (a) your council's chief finance officer; or
 - (b) your council's monitoring officer,where that officer is acting pursuant to his or her statutory duties.
6. (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your council.

7. Registration of interests

- 7.1. You must register within 28 days of becoming a member of the Council (and notify the Council's Monitoring Officer of any changes within 28 days) any Disclosable Pecuniary Interests (DPIs) you may have for publication in the Register of Members' Interests. (See Appendix A to this Code.)
- 7.2. You may not at any time discharge any function or participate in any Council business or discussions, or vote on any issues that relate to or concern any of your DPIs where you are aware that you have a relevant DPI. You may not remain in the chamber or meeting room or in the public gallery when any matter that relates to any of your DPI is under discussion or debate unless you have requested and obtained a written dispensation from your Council's Monitoring Officer in advance of the relevant meeting.
- 7.3. You must register within 28 days of becoming a member of the Council (and notify your Council's Monitoring Officer of any changes within 28 days) any non statutory Local Non Pecuniary Interests (LNPIs) set out in Appendix A to this code but you may participate in any discussions or debates relating to or concerning any of your LNPIs after the date of registration.
- 7.4. You must declare any DPIs or LNPIs to a meeting where business is relevant to those interests, including those interests that are already registered with the Monitoring Officer or where registration is pending.
- 7.5. You must register, within 28 days, any gifts and hospitality received by you in accordance with the instructions issued within your Council by the Monitoring Officer.
- 7.6. The Council's Register of Interests will be available for inspection at the Council offices during normal office hours, and will be published on the Council's website.

8. Sensitive Interests

You may also apply to your Council's Monitoring officer for non publication of the full details of any of your DPIs or LNPIs where you reasonably believe that publication of the details of a particular DPI or LNPI could result in your being subjected to violence or intimidation. In considering such applications the Monitoring Officer shall have regard to any representations made by you in determining whether he or she considers the relevant DPI or LNPI should be

treated as a Sensitive Interest and excluded from the published version of the Register of Members' Interests.

(Footnote:

**Within this Code of Conduct, the term 'co-opted members' shall have the meaning as defined in the Localism Act 2011; Section 27(4)).*

Part 1

Description of categories of Disclosable Pecuniary Interests

You have a Disclosable Pecuniary Interest in any business of the Council if it is of a description set out in 1 - 7 below and is either:

- (a) An interest of yours
- (b) An interest of your spouse or civil partner
- (c) An interest of a person with whom you are living as husband and wife or as civil partners

and, in the case of paragraphs (b) and (c), you are aware that they have the interest.

In these descriptions the term “relevant person” is used to mean you as member and any such person as set out in paragraphs (b) and (c)

- 1 Any employment, office, trade, profession or vocation carried on for profit or gain.
- 2 Any payment or provision of any other financial benefit (other than from the Council) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your 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.
- 3 Any beneficial interest in securities of a body where -
 - (1) that body (to your knowledge) has a place of business or land in the area of the Council and
 - (2) either:
 - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- 4 Any contract which is made between the relevant person, or a body in which they have a beneficial interest, and the Council-
 - (1) under which goods or services are to be provided or works are to be executed; and
 - (2) which has not been fully discharged.
- 5 Any beneficial interest in any land in the Council's area.
- 6 Any tenancy where to your knowledge (a) the landlord is the Council and (b) the tenant is a body in which a relevant person has a beneficial interest.
- 7 Any licence (alone or jointly with others) to occupy land in the Council's area for a month or longer.

Part 2

Description of categories of Local Non Pecuniary Interests

- (1) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council;
- (2) Any body-
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
of which you are a member or in a position of general control or management;
- (3) Any person from whom you have received a gift or hospitality with an estimated value of at least £25.

MEMBERS' PLANNING CODE OF GOOD PRACTICE

Background

This code has been prepared in response to the Local Government Association's Guidance note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework.

Introduction

The aim of this code of good practice: to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, not impartial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the code applies: this code of good practice applies to Members at all times when involving themselves in the planning process (including, where applicable, decision making meetings of the Council whenever they exercise the functions of the Planning Authority in determining applications and other issues). It applies as equally to planning enforcement matters as it does to planning applications.

If you have any doubts about the application of this code to your own circumstances you should seek advice early, preferably well before any meeting takes place.

1. Relationship to Members' Code of Conduct: General

- **Do** apply the rules in the Members' Code of Conduct first and then the rules in this Planning Code of Good Practice, which explain and supplement the Members' Code of Conduct for the purposes of planning control.

2. Development Proposals and Members' Interests

- **Do** disclose the extent and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. Preferably, disclose your interest at the beginning and not just at the commencement of discussion on that particular matter.
- **Do** then act accordingly. Where your interest is prejudicial:-
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority.
 - **Don't** try to represent ward views, get another ward/member to do it instead.

- **Don't** get involved in the processing of the application.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include using your position to discuss personally with officers an application in which you have a personal and prejudicial interest when other members of the public would not have the opportunity to do so.
- **Do** be aware that, whilst you're not prevented from seeking to explain and justify a proposal in which you have a prejudicial interest to an appropriate officer (in person or in writing), the Code places greater limitations on you in representing the proposal than would a normal member of the public. For example, where you have a personal and prejudicial interest in a proposal, you will have to be absent from the meeting, including not being able to speak as a member of the public.
- **Do** notify the Monitoring Officer in writing of your own proposals and those where you act as agent for a third party – this notification should be made no later than submission of the application. These proposals will always be reported to the Committee as main items and not dealt with by officers under delegated powers.

3. Fettering Discretion in the Planning Process

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at the Council by judging, or appearing to judge, a planning matter in advance elsewhere, including whilst serving on another body. Furthermore you may put the Council at risk of legal proceedings.
- **Do** be aware that this includes where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, the chief advocate for the proposal, either on behalf of the Council or in respect of a particular area. This would include participation as a member of the Committee meeting which undertook to sponsor the proposal.
- **Do** be aware that this includes where you could be perceived as being an advocate for a proposal where it was been submitted by another public authority of which you are a member or in which you hold a position of general control or management. (This would include, for example, a proposal from:
 - a County or Parish Council for which you are also a Councillor; or
 - a school or college for which you are a governor
 where you have acted in relation to the proposal.)

Under the Members' Code of Conduct, you may choose to not regard yourself as having a prejudicial interest in relation to your position on another public authority, but it is recommended you do so when determining planning proposals.

- **Don't** speak and vote on an application/matter where this is the case. You do not also have to withdraw, but you may prefer to do so for the sake of appearances.
- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. Use the disclosure of interest form provided.
- **Do** take the opportunity to exercise your separate rights as Ward Member where you have fettered your discretion but do not have a personal and prejudicial interest. If you do:
 - advise the proper officer or Chairman that you wish to speak in the capacity before commencement of the item; and
 - remove yourself from the member seating area for the duration of that item
- **Do** decide where you wish to exercise your decision-making powers.

4. Lobbying of and by Councillors

- **Don't** declare the way you intend to vote or express any opinion on the merits prior to your formal consideration of the matter at a meeting(s) of the planning authority and of hearing the officer's presentation and evidence and arguments on both sides.
- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality to express a firm point of view or an intention to vote one way or another.
- **Don't** accept gifts or hospitality wherever possible. If a degree of hospitality is unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register with the Monitoring Officer the gift or hospitality where its value is over £25.
- **Do** come to a meeting with an open mind and demonstrate that you are open-minded.
- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not favour, or appear to favour, any person, company, group or locality.
- **Don't** become a member of, lead or represent a lobby group involved in planning decisions. If you do, you will have fettered your discretion and you are likely to have a personal and prejudicial interest and have to withdraw.

- **Don't** discuss any applications or decide how to vote at any sort of political group meeting, or press any other Member to do so, in advance of the meeting at which any planning decision is to be taken.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- Unless you have a Personal and Prejudicial interest, this does not prevent you from:
 - being able to listen/receive viewpoints from residents or other interested parties;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting as a ward member, provided you explain your actions at the start of the meeting/item and make it clear that, having expressed the opinion or ward view, you will make up your own mind having heard all the facts and listened to the debate.

5. Contact with Applicants/Developers

- **Do** refer applicants/developers who approach you for planning or procedural advice to officers wherever practicable.
- **Don't** agree to a meeting with applicants or developers where you can avoid it, except where this is part of a meeting organised by an officer and at which an officer is present. (It is preferable that Councillors do not take part in what should be the officers' pre-application discussions with applicants but, where you do become involved, you should be advised by the appropriate officers and it should be recorded as a written file record.)
- **Do** ensure that you report to the Development Control Manager or the Head of Planning any significant contact with the applicant and other parties and explain the nature and purpose of the contacts and your involvement in them. Ensure that this is recorded on the planning file.
- **Do** ensure that you comply with any general Council protocols/procedures for presentations or discussions.

In addition in respect of presentations:

- **Don't** attend presentations unless they have been organised by officers and an officer is present.

- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

6. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the officers, which may be incorporated into any Committee report).
- **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with those officers who are authorised by the Assistant Director (Planning and Regulatory) to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views and opinions will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views opinions or decisions of the Committee or its Members.

7. Decision Making

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, that your reasons are recorded and repeated in the report to the Committee.
- **Do** comply with Section 54A of the Town and Country Planning Act 1990 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all the information reasonably required to base a decision upon. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request more time/information. If necessary, defer or refuse.
- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

- **Do** have recorded the reasons for Committee's decision to defer any proposal and that this is in accordance with the Council's standing orders.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the **planning reasons** leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

8. Public Speaking at Meetings

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.
- **Don't** allow members of the public to otherwise communicate with you (orally or in writing) during the Committee's proceedings, as this may give the appearance of bias.

9. Site Visits

- **Do** try to attend site visits organised by the Council where possible.
- **Do** ensure that you treat the site inspection only as an opportunity to seek information and to observe the site.
- **Do** ask questions or seek clarification of matters which are relevant to the site inspection.
- **Don't** hear representations from the applicant or third parties.
- **Don't** express opinions or views to anyone.
- **Don't** visit a site on your own, even in response to an invitation, unless you have spoken to the Assistant Director (Planning and Regulatory) or case officer about your intention to do so and comply with the above good practice rules.

10. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

FOREST HEATH DISTRICT COUNCIL

GIFTS AND HOSPITALITY

A CODE OF CONDUCT FOR COUNCILLORS

The acceptance of gifts and hospitality by Councillors is not merely an administrative issue. It reflects directly upon the perception of Councillors and of the authority as acting in the public interest or as acting for the personal advantage of friends and for what personal benefit Councillors can get out of their position.

The law on the acceptance of gifts and hospitality is set out in the authority's Code of Conduct for Members and in the Prevention of Corruption Acts. These requirements are then supplemented by the procedures which have been adopted by this authority, to provide a clear set of rules for the protection of both Councillors and the authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public officer for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to 7 years' imprisonment.

This Code of Conduct sets out:

- (a) the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) a procedure for declaring any gift or hospitality which you receive and for accounting for any gift to the authority

This Code does not apply to the acceptance of any facilities or hospitality which may be provided to you by this authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it if to do so would be in breach of one or more of these principles:

- (a) Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**

As a Councillor, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to or reward for doing or forbearing to do anything in respect of any matter or transaction in which the authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of 7 years

Further, the authority's Code of Conduct for Members provides that you must act in the public interest, serving the authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality if there is a commensurate benefit to the authority.

The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the authority which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the authority, such as an opportunity to progress the business of the authority expeditiously through a working lunch, or to canvass the interests of the authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. But unless the benefit to the authority is clear, and is commensurate with the value of the gift or hospitality, the presumption must be that the gift or hospitality is purely for your personal benefit.

As set out above, the authority's code provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit to the authority, would be a breach of the Code.

(c) Never accept a gift or hospitality if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the authority and to you as a Councillor as actual impropriety. The authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must therefore consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- (i) occasions when the authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- (ii) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
- (iii) funding decisions, when the authority is determining a grant application by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation

Recognise that some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Councillor unless the acceptance of that gift or hospitality would be permitted under this Code. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2 CONSENT REGIMES

(a) General consent provisions

For clarity, the authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) civic hospitality provided by another public authority
- (ii) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits
- (iii) tickets for sporting, cultural and entertainment events which are sponsored by the authority
- (iv) small gifts of low intrinsic value, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. However, you should take

care not to display any such branded items when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise

- (v) a modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the authority if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable
- (vi) a modest working lunch in the course of a meeting in the offices of a party with whom the authority has an existing business connection where this is required in order to facilitate the conduct of that business. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must be modest
- (vii) modest souvenir gifts from another public authority given on the occasion of a visit by or to the authority
- (viii) Hospitality received in the course of an external visit or meeting which has been duly authorised by the authority. Councillors should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Councillors and officers is to be no more than commensurate with the nature of the visit
- (ix) other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Councillor deals with the gift strictly in accordance with the following procedure: The Councillor must, as soon as practicable after the receipt of the gift, pass it to the Chief Executive together with a written statement identifying the information set out in Paragraph 2(b) below. The Chief Executive will then arrange to write to the person or organisation making the gift thanking them on your behalf for the gift and either returning it or donating the gift to a charity or other good cause as the Chief Executive thinks fit.

(b) Special consent provisions

If you wish to accept any gift or hospitality which is in accordance with the General Principles set out in Paragraph 1, but is not within any of the general consents set out in Paragraph 2(a), you may only do so if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) the nature and your estimate of the market value of the gift or hospitality
- (ii) who the invitation or offer has been made by or on behalf of
- (iii) the connection which you have with the person or organisation making the offer or invitation, such as any work which you have undertaken for the authority in which they have been involved
- (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
- (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

3 Reporting

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, make a declaration in writing to the Monitoring Officer, setting out the information set out in Paragraphs 2(b) above. A form for this purpose is attached to this Code, but you can send the same information by any convenient means. The Monitoring Officer will retain a copy of any such declaration in a register which will be available for public inspection until the approval of the authority's accounts for the year in question.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

4 Gifts to the authority

Gifts to the authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to

carry out works or sponsorship of a function which is organised or supported by the authority. You should not solicit any such gift on behalf of the authority except where the authority has formally identified the opportunity for participation by an external party and how that participation is to be secured, for example in relation to sponsorship of public musical and theatrical performances and developers' contributions under Section 106 Agreements. If you receive such an offer on behalf of the authority, you must first consider whether it is appropriate for the authority to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the authority under any improper obligation, whether there is a real benefit to the authority which would outweigh any dis-benefits). If you do not have delegated authority to accept the gift, you should report the offer directly to the Chief Executive who has such delegated authority, together with your recommendation. The Chief Executive will then write back to the person or organisation making the offer, to record the acceptance or non-acceptance of the gift, record the gift for audit purposes and ensure that the gift is properly applied for the benefit of the authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the authority to accept the gift, you should consult the Chief Executive and/or the Monitoring Officer directly.

5 Definitions

- (a) "Gift or hospitality" includes any:
 - (i) the free gift of any goods or services
 - (ii) the opportunity to acquire any goods or services at a discount or on terms which are more advantageous than those which are available to the general public
 - (iii) the opportunity to obtain any goods or services which are not available to the general public
 - (iv) the offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the "value" or "cost" of any gift or hospitality are references to the higher of:
 - (i) your estimate of the cost to the person or organisation of providing the gift or consideration
 - (ii) the open market price which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

To: The Monitoring Officer, Forest Heath District Council

Declaration of Receipt of Gifts or Hospitality

Councillor's Name	
Councillor's Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed	Date

MEMBERS' LICENSING CODE OF GOOD PRACTICE

BACKGROUND

Recent changes in legislation with the enactment of the Licensing Act 2003 (and in due course the Gambling Act 2005) has (have) transferred substantial additional responsibilities for licensing to Local Government and established the Council as the Licensing Authority for the regulation of various forms of licensable activities. The new responsibilities will be undertaken by the Licensing Committee and its Licensing Act 2003 Sub-Committees. When sitting as Members of the Licensing Committee or the Licensing Act 2003 Sub-Committee Members should be aware that they are acting in a quasi-judicial capacity.

This Code of Good Practice is designed to apply the principles contained in the Members Code of Conduct to Members' licensing responsibilities and to support and maintain high ethical standards in Local Government. For the purposes of this Code, the Council is collectively described as the Licensing Authority.

This Code has regard to both the Members' Planning Code of Good Practice previously adopted by the Council and LACORS' guidance on the role of elected Members in relation to Licensing Committee Hearings under the Licensing Act 2003.

INTRODUCTION

The aim of the Code is to ensure that in the operation of the licensing process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of licensing is to regulate certain activities in the public interest and to promote the licensing objectives defined in the legislation. In addition, the authority must have regard to statutory guidance issued by the Secretary of State and the Gambling Commission.

Your role as a Member of the Licensing Authority is to make decisions openly, impartially, with sound judgement and for justifiable reasons.

This Code of Good Practice also applies to Members at all times when involving themselves in the licensing process. It applies equally to licensing enforcement and licensing policy issues as it does to licensing applications. This includes taking part in decision-making meetings of the Licensing Authority and when involved in less formal occasions, such as meetings with officers or the public and consultative meetings.

References to officers in this Code of Good Practice relate to employees of the Council.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or the Deputy Monitoring Officer, preferably well before any meeting takes place.

Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first: these must always be complied with.
- **Do** then apply the rules in this Licensing Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of dealing with all licensing matters. If you do not abide by this Code of Good Practice, you may put:
 - the Licensing Authority at risk of proceedings as to the legality or maladministration of the related decision; and
 - yourself at risk of either being named in an Ombudsman's report made to the Council or, if the failure is also likely to be a breach of the Code of Conduct, a complaint to the Standards Board for England.

Licensing Proposals and Interests under the Members' Code

Your interest in a licensing matter may take a variety of forms. You may be a Member of another organisation or body that is applying for a licence or is carrying out a licensable activity. You may be an employee of a responsible authority defined in the legislation or you may be an interested party because you live or have business premises in the vicinity of an application site or licensed premises. You may be a member of a lobby group or campaign. You may be the applicant for a licence or the provider of a licensable activity yourself or a member of a registered club that is doing so. You may be a supplier of goods to an applicant or an existing licensee or club or you may act in some capacity on their behalf. You may also be an existing licensee or a member of a club whose business may be affected if a licence or club premises certificate is granted for a similar activity elsewhere.

Whatever your interest,

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with employees and other Members.
- **Do** then act accordingly.
- **Where your interest is personal and prejudicial:-**
 - **Do** disclose the interest and withdraw immediately from the room or chamber where a meeting is being held for the duration of any discussion and/or voting in the matter.
 - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the licensing authority.

- **Don't** represent an applicant or responsible authority at a Licensing Act 2003 Sub-Committee Hearing.
- **Don't** try to represent an interested party if you have played an active role in supporting or opposing an application for a licence. Ask another Member to do so in your place.
- **Don't** get involved in the processing of the application or the review of a licence or certificate that has already been issued.
- **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
- **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest to an appropriate officer, in person or in writing, the Code places greater limitations on you in representing that proposal than would apply to a normal member of the public. (For example, where you have a personal and prejudicial interest in a proposal to be put before a hearing or meeting, you will have to withdraw from the room or chamber whilst the hearing or meeting considers it, whereas an ordinary member of the public would be able to observe the meeting's consideration of it from the public gallery.)
- **Do** notify the Monitoring Officer in writing of your own interest and note that:
 - notification to the Monitoring Officer should be made no later than submission of the application; and
 - it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers.

Fettering Discretion in the Licensing Process

- **Don't** fetter your discretion and therefore your ability to participate in licensing decision-making by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), as to how you will vote on any licensing matter prior to its formal consideration at a hearing or meeting of the Licensing Authority and hearing the representations and evidence on both sides. Fettering your discretion in this way and then taking part in the decision will put the licensing authority at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or

predetermination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for a proposal. (This is more than a matter of membership of both the proposing and licensing determination bodies, but because through your significant personal involvement in preparing or advocating the proposal you will be, or could be perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its licensing merits.)
- **Do** also be aware that, whilst the Members' Code of Conduct provides for a presumption that you may regard yourself as not having a prejudicial interest in matters which relate to the organisations mentioned below -
 - another local or public authority of which you are a member; or
 - a body to which you have been appointed or nominated by the Council as its representative
 - you must exercise your discretion in deciding whether or not to participate in each case and where:
 - you have been **significantly** involved in the preparation, submission or advocacy of a licensing proposal or in an activity that has been licensed on behalf of such a body; or you are a trustee or company director of the body submitting the proposal and were appointed by the Council
 - you should always disclose a prejudicial as well as personal interest and withdraw.
- **Don't** sit as a Member of a Licensing Act 2003 Sub-Committee if the applicant lives or the premises are situated in the Ward that you represent or if an application is being made to review a licence or certificate held by a resident or premises in your Ward.
- **Don't** sit as a Member of a Licensing Act 2003 Sub-Committee where you have fettered your discretion. Because of the limited size of Licensing Act 2003 Sub-Committees, you should advise officers as soon as it becomes apparent to you that you have fettered your discretion and certainly before the meeting commences to enable an alternative sub committee to be convened. You do not have to withdraw from the room where the meeting is taking place, but it would be preferable for you to do so.

Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for licensing, procedural or technical advice to officers.

- **Don't** attend any meeting with applicants or interested parties if you are a Member of a Licensing Act 2003 Sub-Committee. Pre-application discussions, if held for clarification purpose will involve officers only who will ensure that those present are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Licensing Act 2003 Sub-Committee.

Lobbying of Councillors

- **Do** explain, if you are a Member of a Licensing Act 2003 Sub-Committee, to those who may be attempting to lobby you that you cannot listen to what is said as this will prejudice your impartiality and therefore your ability to participate in the decision making process.
- **Do** remember that, as a Member of the Licensing Committee, you will probably be unaware whether an application will be determined by a Licensing Act 2003 Sub-Committee or whether you will be a Member of that determining body until you have been notified by officers. If you have been lobbied by an applicant or interested party, you should notify officers as soon as it comes to your attention that you have been invited to sit on a relevant Licensing Act 2003 Sub-Committee. In such circumstances, you should not take part in that hearing or meeting and officers will make arrangements for the application to be dealt with by another Licensing Act 2003 Sub-Committee.
- **Do** remember, if you are a Member of a Licensing Act 2003 Sub-Committee, that your overriding duty is to the whole community and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a licensing application or who may be providing a licensable activity. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum; its acceptance is declared as soon as possible and remember to register the gift or hospitality with the Monitoring Officer where its value is over £25 in accordance with the Members' Code of Conduct.
- **Do** copy or pass on any lobbying correspondence you receive if you are a Member of a Licensing Act 2003 Sub-Committee to the Licensing Manager at the earliest opportunity in order that it can be placed on the appropriate Licensing file and is open for inspection before a decision is made.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

- **Do** note that, unless you are a Member of a Licensing Act 2003 Sub-Committee you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Licensing Code of Good Practice through:
 - listening or receiving viewpoints from residents or other interested parties as long as you make yourself equally available to those of differing viewpoints if requested to do so;
 - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
 - seeking information through appropriate channels; or
 - being a vehicle for the expression of opinion or speaking at the meeting in support of an application or in expressing representations on behalf of an interested party

Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose licensing proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest and have to withdraw.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular licensing proposals, such as a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Licensing Authority that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow Members regarding your concerns or views nor attempt to persuade them how they should vote in advance of the meeting at which any licensing decision is to be taken.
- **Don't** decide or discuss how to vote on any licensing application or policy matter at any sort of political group meeting, or lobby any other Member to do so. Political group meetings should never dictate how Members should vote on any licensing issue.

Site Visits

- **Do** try to attend site visits organised by the Licensing Authority if you are a Member of the Licensing Act 2003 Sub-Committee. If you are unable to take part in a site visit, you will be unable to take part in the Licensing Act 2003 Sub-Committee Hearing. You should therefore notify officers of the Committee Services Section as soon as it comes to your attention that you are unable to attend a site visit that has been organised. Where a site visit takes place, Members will be accompanied by officers of the authority.

- **Do** ensure that you treat the site visit only as an opportunity to observe the site.
- **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from the applicant or an interested party at the site visit. Where you are approached by the applicant or an interested party, direct them to or inform the officer present.
- **Don't** express opinions or views to anyone.
- **Do** exercise your discretion, if you are not a Member of the Licensing Act 2003 Sub-Committee, as to whether to accept an invitation to visit a site which is the subject of an application or provides a licensable activity. Where you do accept an invitation, do exercise caution and ensure you comply with these good practice rules.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you in isolation if you are a Member of a Licensing Act 2003 Sub-Committee during the hearing or meeting proceedings (orally or in writing) as this may give the appearance of bias.

9. Officers

- **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Licensing Manager but hearing or meeting reports will contain only representations that have been submitted in the manner prescribed by the legislation. Your attention is drawn to the danger of fettering your discretion on a matter which is covered in Section 3 of this Code.)
- **Do** recognise that officers are part of a management structure and discuss a proposal, outside of any arranged meeting, only with the Licensing Manager or those officers who are authorised by them to deal with the proposal at a Member level.
- **Do** recognise and respect that officers involved in the processing and determination of licensing matters must act in accordance with the Council's Code of Conduct for the Guidance of Employees and the requirements of the licensing legislation. As a result, Licensing Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence and the promotion of licensing objectives, which may on occasion be at odds with the views or opinions of Members.

10. Decision-Making

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with the licensing legislation and make decisions in accordance with statutory licensing objectives, having regard to guidance that has been issued under the relevant legislation and the Authority's Statement of Licensing Policy.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information and, if necessary, adjourn the hearing or meeting until the information has been provided and you have had an opportunity to consider it.
- **Don't** vote or take part in the hearing or meeting on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to the licensing objectives or the statutory guidance issued by the Secretary of State or the Authority's Statement of Licensing Policy, that you clearly identify and understand the reasons leading to this conclusion/decision. These reasons must be given prior to the vote being taken and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

11. Training

- **Don't** participate in decision making at hearings and meetings dealing with licensing matters unless you have attended suitable licensing training provided by the Monitoring Officer.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of licensing law, regulations, procedures statutory guidance and licensing policy beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

FOREST HEATH DISTRICT COUNCIL MEMBER AND OFFICER PROTOCOL

1. Role and Purpose

The purpose of this protocol is to guide Members and officers in their relations with each other and outline some of the appropriate conventions within the authority. It is clear that such a document cannot seek to be comprehensive or prescriptive and the intention is to offer guidance on some of the issues which commonly arise. It is hoped that the approach adopted to these issues will serve as a guide to dealing with other issues.

The protocol seeks to supplement and help to interpret but not to supplant the statutory provisions, members Code of Conduct and other guidance, the provisions elsewhere in the Constitution, and the disciplinary code which applies to officers.

2. Definition of the Role of Officers and Members

This protocol also seeks to reflect the principles underlying the respective Codes of Conduct which apply to Members and officers. The shared object of these codes is to enhance and maintain the integrity (real and perceived) of local government and they therefore demand very high standards of personal conduct.

Members and officers must always respect the roles and duties of each other; must show respect in all their dealings with each other, and must not seek to take unfair advantage of their position.

Personal familiarity between officers and members can undermine public confidence in the Council and whilst it is inevitable that close working relationships will arise, close relationships between officers and members must never be allowed to become so close as to undermine the public trust and confidence in the Council and bring the impartiality which officers must have into question. All close relationships must be openly declared.

Mutual trust and respect should be the key aim in Member/Officer relations. Both members and officers are servants of the public and good governance demands that these both are necessary and should be indispensable to each other. However, their responsibilities are different. Councillors are responsible to the electorate and serve as long as their term of office lasts. All Councillors have responsibilities, as set out in the descriptions of their role; some Councillors have additional responsibilities, such as Chairman, Leader, Cabinet Members and Committee Chairman. However, all members have the same responsibilities and obligations in their relationships with officers and must be treated equally.

Officers have a responsibility to the Council; and their responsibility is to give full and impartial advice to Councillors and to the Council. Officers carry out the work of the Council under the direction and control of the Council, Cabinet and Committees. Officers should endeavour to give assistance to all members when carrying out their roles.

3. Officer Advice to Party Groups

There is now statutory recognition for party groups and it is common for such groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision-making body. Officers may properly be called upon to support and contribute to such deliberations by party groups, provided they maintain a stance which is politically impartial.

Support may include a range of activities including briefings for Members related to their roles e.g. chairperson or spokesperson. Officers should be required to give information and advice to political groups on Council business only and not on matters which are purely of a party political nature. Such advice should be available to all party groups; not solely the majority group. It is important that the political neutrality of Officers is preserved and that group confidentiality is maintained by officers. Any written report to a political group should be available to other parties.

Usually only Chief Officers may be asked to attend Group meetings and will usually be excluded after making a presentation. It is likely that Chief Officers will be required to attend meetings of Members of the majority group from time to time and possibly other groups.

Officers should not attend or be invited to attend any political group meeting that includes non-council members.

4. Support Services for Members

The role of Officers is only to assist Members in discharging their role as Members of the Council for Council business and in their role as advocates for local communities. Officers should not be used in connection with party political campaigning or for private purposes. Council resources (e.g. stationery and photocopying) may only be used for Council business. Council resource includes the use of Council owned buildings and facilities. However, political groups may use the Council's meeting rooms for group meetings. [Peter what is the position with member IT?].

Reports

It is the responsibility of officers to ensure that their reports contain clear and evidence based advice upon the course of action which is recommended and the reasoning behind that. The report should lay out the relevant factors and examine the alternatives in an even handed way, even those options which may be unpopular.

If there are disagreements, all options should be available for discussion. Pressure should not be brought to bear upon Officers in an attempt to make them change their professional opinion.

Members can refuse officer recommendations and make their own amendments. Where an alternative is suggested the reasoning should be provided by the member with a clear and rational basis, and available to the public.

For Cabinet reports, the Officer should always consult clearly with the Cabinet member.

In relation to action between meetings, it is important to remember that, whilst the cabinet have delegated powers for executive functions, the law only allows for decisions which relate to the discharge of any of the Council's functions to be taken by a Committee, a Sub-Committee or an Officer. The law does not allow for such decisions to be taken by a Chairman or indeed by any other single Member

Finally, it must be remembered that Officers within a Department are accountable to their Chief Officer and that whilst Officers should always seek to assist the Leader, a Portfolio Holder, Chairman (or indeed any Member), they must not, in so doing, go beyond the bounds of whatever authority they have been given by their Chief Officer.

5. Members' Access to Information and Council Documents

Members should not put undue pressure on officers to release information and documents to which they are not entitled to have access. Reference should be made to the later provisions relating to Members' access to documents contained in the Access to Information provisions inserted into the Local Government Act 1972, particularly the restrictions in Section 100F(2).

The common law right of Members is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to "a roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the particular Chief Officer whose Department holds the document in question (with advice from the Monitoring Officer).

In some circumstances (e.g. a Cabinet or Scrutiny Member wishing to inspect documents relating to the functions of the Cabinet or Committee) a Member's "need to know" will normally be presumed. This would generally apply to the situation where a member is representing a constituent; although legal rights will need to be observed. In other circumstances (e.g. a Member wishing to inspect documents which contain personal information about third parties) a Member will normally be expected to justify the request in specific terms.

In addition there are the provisions of the Data Protection Act and Freedom of Information Act 2000 to consider.

Confidentiality

Members should not disclose information which is supplied in confidence. Any member who is considering disclosing confidential information should seek legal advice before doing so. Councillors should observe the agreed process which applies to FOI requests; and this process will be applied to any FOI requests to the Council from any member.

6. Operation of the Overview and Scrutiny Committee

The Overview and Scrutiny Committee may require Officers and Members to attend and provide any information required to answer questions (other than those which he or she would be entitled to refuse to answer in a court of law). The Council may consider that this requirement should only apply to Chief Officers, Assistant Directors, Service Managers and not to more junior staff (except with their agreement).

Members of the Overview and Scrutiny Committee must treat officers and independent witnesses appearing before them with respect and should explain the role and operation of the Committee, particularly in relation to future policy development, before asking questions of witnesses. Members should adopt an inquisitorial approach to questioning and may be firm and assertive, but should never be adversarial, rude or aggressive.

If officers are called to attend the O&S Committee they should provide all relevant information they possess and should never seek to withhold any matters from the O&S.

7. Officer/Chairman Relationship

Officers, Chairmen of Committees and Cabinet Members will inevitably need to work closely together. However such relationships should observe the guidance set out in paragraph 2(c) above.

8. Involvement of Ward Councillors

Ward Councillors should be kept informed and consulted on relevant matters affecting their ward, i.e. on Planning, Licensing and other relevant matters. In the case of public meetings in a particular locality, the Ward Councillor will normally be invited to attend and could normally be expected to be consulted on any form or consultative exercise on local issues.

So far as decision making is concerned, however, Members remain accountable to the whole electorate of the District and must make a personal decision on matters which come before them, balancing the interests of the electorate as a whole, including those members of the public who did not vote for them.

9. Correspondence

Where an Officer copies correspondence addressed from one Member to another, it should be made clear to the original Member and should not be sent to any member of another group without the Member's consent.

Letters written on behalf of the Council should normally be sent out in the name of the appropriate Officer. However, in certain circumstances (e.g. representations to a Government Minister), letters would appear in the name of the Cabinet member or Chairman of Overview and Scrutiny. The Chairman of the Council may initiate and reply to correspondence in his own name. Letters which create obligations or give instructions should never be sent out in the name of a Member.

Where members are writing in their capacity as Ward Councillors, they must make this clear.

10. Officer Complaints about Members

Contact should be made in the first instance with the Chief Executive or the Monitoring Officer where Member conduct is considered inappropriate. If it is a matter of party discipline then the matter may be investigated by the party itself but normally such matters will be investigated by the Chief Executive or the Monitoring Officer or a person duly authorised by him/her.

11. Monitoring the Performance of Officers

Members should avoid making personal attacks on Officers and, in particular, avoid undermining respect for Officers in Council and Committee meetings or public forums. If a member is dissatisfied with the conduct of an officer, they should refer the matter to the office's relevant Chief Officer who will carry out an investigation using the Council's agreed procedure. If a complaint relates to a Chief Officer or the Statutory Officers the matter should be referred to the Chief Executive. Complaints should be directed to the Head of the Service concerned, the relevant Chief Officer or to the Chief Executive.

12. Delegation to officers

Members should be clear that the final decision rests with the Officer rather than the Member and that the Officer has a duty to the whole Council rather than to an individual Member.

13. Press Releases

Members are reminded of the need to comply with the requirements of the Local Government Act 1986 (as amended) and the Code of Recommended Practice on Local Authority Publicity which prohibit Councils from publishing any material which appears to be designed to affect public support for a political party. Publicity should not be used as a means to publicise individual Councillors, except where they are acting to represent the Council as a whole.

14. Ceremonial Events

Ceremonial events would normally be led by the Chairman or the Vice-Chairman of the Council. Leaders of the political groups and local Members should be informed and, where possible and appropriate, invited to participate.

15. Non-Adherence to the Protocol

Serious breaches of this protocol by Officers should be dealt with under the Council's disciplinary procedures. Breaches by Members will be referred to the relevant Group Leader or Whip for the party group for consideration and should be reported to the Chief Executive and the Monitoring Officer.

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MODEL CODE OF CONDUCT FOR LOCAL AUTHORITY EMPLOYEES

THE EMPLOYEES' CODE OF CONDUCT

Honesty; Integrity, Impartiality and Objectivity

1. An employee must perform his duties with honesty, integrity, impartiality and objectivity.

Accountability

2. An employee must be accountable to the Authority for his actions.

Respect for Others

3. An employee must -
 - a) treat others with respect;
 - b) not discriminate unlawfully against any person; and
 - c) treat Members and co-opted Members of the Authority professionally.

Stewardship

4. An employee must -
 - a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and
 - b) not make personal use of property or facilities of the Authority unless properly authorised to do so.

Personal Interests

5. An employee must not in his official or personal capacity -
 - a) allow his personal interests to conflict with the Authority's requirements; or
 - b) use his position improperly to confer an advantage or disadvantage on any person.

Registration of Interests

6. An employee must comply with any requirements of the Authority -
 - a) to register or declare interests; and
 - b) to declare hospitality, benefits or gifts received as a consequence of his employment.

Reporting procedures

7. An employee must not treat another employee of the Authority less favourably than other employees by reason that the other employee has done, intends to do, or is suspected of doing anything under or by reference to any procedure the Authority has for reporting misconduct.

Openness

8. An employee must -
 - a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so; and
 - b) not prevent another person from gaining access to information to which that person is entitled by law.

Appointment of staff

9. (1) An employee must not be involved in the appointment of any other decision relating to the discipline, promotion, pay or conditions of another employee, or prospective employee, who is a relative or friend.
 - (2) In this paragraph -
 - a) “relative” means a spouse, partner, parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, or the spouse or partner of any of the preceding persons; and
 - b) “partner” in sub-paragraph (a) above means a member of a couple who live together.

Duty of trust

10. An employee must at all times act in accordance with the trust that the public is entitled to place in him.

FOREST HEATH DISTRICT COUNCIL

CODE OF CONDUCT FOR THE GUIDANCE OF EMPLOYEES

1. INTRODUCTION

- 1.1 The purpose of this Code is to set out the legal position and to provide guidance to members of staff upon the issues listed in the Contents.
- 1.2 This Code has been prepared to protect individual members of staff as well as the Council. As an employee you must act within the law at all times. You should therefore ensure that you are familiar with the rules of personal conduct which the law and your Contract of Employment require, together with the guidance contained in this Code.
- 1.3 It is your responsibility to make sure that what you do complies with all legal and contractual requirements and with this Code. If you are in any doubt, about the legal position or your own contractual position or the contents of this Code, either generally or in relation to any specific set of circumstances, please seek advice from your Chief Officer. Ultimately, however, the responsibility for proper conduct, at all times is yours.

2. GENERAL STANDARD OF CONDUCT TO BE OBSERVED IN PUBLIC SERVICE

- 2.1 The National Scheme of Conditions of Service for Local Government stipulates that:
 - (i) "The public is entitled to demand of a local government officer conduct of the highest standard and public confidence in his integrity would be shaken were the least suspicion to arise that he could in any way be influenced by improper motives."
 - (ii) "An Officer's off-duty hours are his personal concern but he should not subordinate his duty to his private interests or put himself in a position where his duty and his private interests conflict."
- 2.2 As a local government employee, you should never do anything which you could not justify to the Council or to the public. Your conduct and (more importantly) what the public and Members of the Council believe about your conduct will affect the reputation and standing of the Council in the eyes of the public as well as affecting you. Consequently the standard of conduct expected of a local government employee goes well beyond what is necessary to comply with the law.
- 2.3 To achieve the requisite standard, an employee must not only comply with the law. He/she must also be conscious of how things look to a third party, in order to avoid the least suspicion that he/she is being influenced by improper

motives. It is not enough to avoid actual impropriety. You should at all times avoid any occasion for suspicion and any appearance of improper conduct.

- 2.4 You may have dealings with the Council on a personal level (e.g. as a payer of Council Tax, as a tenant, or as an applicant for a grant or planning permission). You should never seek or accept preferential treatment in those dealings because of your position as an employee. You should also avoid placing yourself in a position which could lead members of the public to think that you are receiving preferential treatment. Similarly you should never use your position as an employee to seek preferential treatment for friends or relatives, or any firm, body or organisation with which you are personally connected or involved.
- 2.5 Members of the Council and employees are both servants of the public but their responsibilities are different. Members are responsible to the electorate whom they serve for the duration of their term of office. Employees are responsible to the Council. Their job is to give advice to Members of the Council as a whole and to carry out the Council's work under the direction and control of the Council, its Committees and Sub-Committees. Mutual respect between Members and employees is essential. Consequently close personal familiarity between individual Councillors and employees can damage that relationship and prove embarrassing to other Members and employees.
- 2.6 As an employee you will acquire, from time to time, information which has not been made public and is still confidential. It is a betrayal of trust and a breach of your Contract of Employment to break such confidences. In particular, you should never disclose or use confidential information for the personal advantage of yourself or for anyone known to you, or to the disadvantage or the discredit of the Council or anyone else. The National Scheme of Conditions of Service for Local Government stipulate that:
- "No Officer shall communicate to the public the proceedings of any Committee meeting, etc. nor the contents of any document relating to the Authority unless required by law or expressly authorised to do so."
- 2.7 You should apply this principle in relation to all Council business and documents including meetings of the full Council, Committees, Sub-Committees, working groups, panels and other bodies.
- 2.8 In order to avoid any potential conflict of interest or the calling into question of an employee's integrity, no employee (or firm in which he/she is a partner or company in which he/she is a director) shall tender or apply for any Council contract.

3. POLITICAL NEUTRALITY

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

- 3.2 Subject to the authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.
- 3.2 Employees, whether or not politically restricted, must follow every lawful expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work.
- 3.3 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

4. RELATIONSHIPS WITH THE LOCAL COMMUNITY AND SERVICE USERS (AND CONTRACTORS)

- 4.1 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.

Relationships with Contractors

- 4.2 All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.
- 4.3 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors, should declare that relationship to the appropriate manager.

5. APPOINTMENT AND OTHER EMPLOYMENT MATTERS

- 5.1 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 duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.
- 5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

6. OUTSIDE COMMITMENTS

- 6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the authority's interests.
- 6.2 Employees should follow the authority's rules on the ownership of intellectual property or copyright created during their employment. Intellectual property includes inventions, creative writings and drawings. If these are created by an employee during the course of employment then as a general rule they belong to the Council. But inventions made after 1 June 1978 are the property of an employer only if:-
- (i) they have been made in the course of an employee's normal duties or specifically assigned duties (where invention might reasonably be expected) or
 - (ii) they were made in the course of an employee's duties at a time when the employee had a special obligation to further the employer's interests.

7. EQUALITY ISSUES

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

8. SEPARATION OF ROLES DURING TENDERING

- 8.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.
- 8.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 8.3 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.
- 8.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 8.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding

contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

9. SPONSORSHIP - GIVING AND RECEIVING

9.1 Where an outside organisation wishes to sponsor or is seeking to sponsor a local government activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

9.2 Where the authority wishes to sponsor an event or service neither an employee nor any partner, spouse or relative must benefit from such sponsorship in a direct way without there being full disclosure to an appropriate manager of any such interest. Similarly, where the authority through sponsorship, grant aid, financial or other means, gives support in the community, employees should ensure that impartial advice is given and that there is no conflict of interest involved.

10. GIFTS AND HOSPITALITY GENERALLY

10.1 There will be occasions when an employee is unsure whether or not to accept gifts or offers of hospitality. The following notes are intended to assist staff in making the right decision. However, you are personally responsible for all decisions connected with the acceptance or offer of gifts or hospitality and for avoiding the risk of damage to public confidence in Local Government. The offer or receipt of gifts, hospitality or invitations should always be reported to your Manager.

10.2 It is a criminal offence for an employee to corruptly solicit or accept, receive, obtain or agree to accept or attempt to obtain any gift, loan, fee, advantage or other consideration as an inducement or reward. If the gift or other consideration is from someone holding or seeking a contract with the Council, it is deemed to have been received corruptly unless the employee proves to the contrary. It is also a criminal offence for employees to accept, as employees, any fee or reward other than their proper remuneration. Accepting any gift or consideration in the knowledge or belief that it is intended as an inducement or reward is an offence, whether the employee receiving it is actually influenced or not. (Prevention of Corruption Acts 1889 to 1916 and Local Government Act 1972 -Section 117).

10.3 A gift or offer of hospitality may sometimes be so lavish that any reasonable person would consider that it is made with the intention of corrupting. Even if it is not as lavish as that, there may still be the possibility of corruption. The acceptance of gifts and hospitality, even on a modest scale, may arouse suspicion and needs to be capable of justification to the Council and to the public.

10.4 Any offer, gift, favour or hospitality directed at an employee, personally, should be treated with extreme caution. The person or organisation making the offer may be doing or hoping to do business with the Council or may be

applying to the Council for planning permission or some other decision. Staff should not allow themselves to be put in a position which suggests that improper influence has been present in the Council's dealings. It would obviously be wrong for an employee to accept inducements for personal gain in exchange for treating a client or contractor favourably. On the other hand it can be churlish to refuse minor items which are of only nominal value. A gift or an offer of hospitality can only be accepted if it is in the Council's best interests to do so and subject to the further guidance set out below.

- 10.5 Where an employee refuses gifts and/or hospitality this should be done with a suitable degree of courtesy, tact and diplomacy.
- 10.6 If any employee is in any doubt about the course of action to be taken in relation to the offer of any gift or hospitality, the advice of his/her Director should be sought. The question to be considered is whether acceptance is likely to raise reasonable doubts about or call into question the employee's integrity.

11. GIFTS

- 11.1 Generally an employee should refuse any gift offered to him/her or to a member of his/her family, by a person or organisation which has, or seeks, dealings with the Council. Although the offer of casual gifts by contractors, organisations, firms or individuals may not be in any way connected with the performance of official duties so as to constitute an offence, the gift should nevertheless, be declined, as a general rule. The only exceptions to that rule are as follows:
 - (i) Small gifts, office equipment or stationery of a minor promotional nature, distributed by way of trade advertisement to a wide range of people or employees for use in their office and not uniquely given to that employee. Examples include pens, **calendars, pocket diaries, charts**, rulers or blotters.
 - (ii) Small gifts of only token value given on the conclusion of an official courtesy visit (e.g. to a factory or other premises) and falling within the categories described in sub-paragraph (i) above.
- 11.2 Gifts or offers of gifts which do not fall clearly within the above exceptions should be declined politely and the person or organisation offering it should be told of the Council's rules about gifts (as set out in this Code).
- 11.3 An expensive gift is unacceptable and must always be declined. If a gift falling outside the exceptions mentioned in Paragraph 11.1 above arrives without warning, it must be handed over to your Chief Officer to decide whether the gift should be returned (or donated to a charity or other good cause) and to ensure that the donor is informed of the course of action taken.
- 11.4 Offers by persons or organisations to employees of any discount or preferential rates on goods or services, going beyond those currently on offer to the general public, should always be declined.

12. HOSPITALITY

- 12.1 Where an employee is invited to lunch or some other function by a contractor, organisation, firm or individual, careful consideration must be exercised. By way of example, there is an important distinction to be made between attendance in an official capacity, at a function organised by a public authority on the one hand as against accepting hospitality from a private individual or organisation standing to benefit from the goodwill of the Council on the other. Particular care should be taken when dealing with contractors, developers and firms or individuals in a comparable position to those organisations.
- 12.2 Offers of hospitality should always be approached with caution. The employee concerned should ask himself/herself what a reasonable member of the public (who may be critical or suspicious) might think. Offers of hospitality, where any suggestion of improper influence is possible or there may be an appearance of improper influence, must be refused. Acceptance may make it difficult to avoid some obligation to the party offering it and might later appear or be thought to have affected an employee's impartiality in dealing with Council matters.
- 12.3 Hospitality should only be accepted when it is reasonably incidental and on a scale appropriate to the occasion or the circumstances. It will not always be possible or even desirable (in the Council's best interests) to reject offers of hospitality on a modest scale. In the following circumstances acceptance is usually in order:
- (i) A working lunch of a modest standard to enable the parties to continue to discuss business.
 - (ii) Attendance, in an official capacity, at a function.
 - (iii) A working lunch reception or other function authorised by the Council or a Committee.
 - (iv) Attendance at local government groups and local government professional organisations approved by the relevant Chief Officer.
- 12.4 Subject to 12.5 below, where it is clearly evident that the work of the Council will be facilitated and the integrity of the Council or the employee concerned will not be prejudiced, invitations to attend receptions, luncheons, cocktail parties and other social events may be accepted provided that no member of staff below the grade of Head of Service may accept such an invitation without first obtaining the approval of his/her Chief Officer.
- 12.5 Some offers of hospitality (by the degree of extravagance or the magnitude of the expense/generosity involved) are clearly unacceptable in all circumstances. It is impossible to set out an exhaustive list of such circumstances but the following are examples of hospitality which should always be refused:

- (i) Offers of holiday or hotel accommodation.
- (ii) Offers of the use of a flat or a car etc.

12.6 The above notes set out guidance upon the acceptance/refusal of hospitality which should be adhered to. However the decision whether to accept hospitality or not will depend upon the circumstances in each case. If in doubt, advice and guidance should be sought from the relevant Chief Officer.

12.7 Employees may occasionally need to offer hospitality to individuals or organisations themselves. This is acceptable where there is a genuine need for such an activity as a matter of courtesy and in the best interests of the Council, provided that the following rules are observed:

- (i) No employee below the grade of Assistant Director should provide hospitality unless his/her Chief Officer has been given reasonable notice of the proposed hospitality and has agreed to it.
- (ii) The level of the proposed hospitality should be modest and reasonable in the circumstances.
- (iii) Proper invoices must be obtained for the hospitality wherever possible.
- (iv) There must be a budget containing adequate resources to finance the hospitality.

13. DECLARATION OF PECUNIARY & NON-PECUNIARY INTERESTS

13.1 If an employee knows that a contract in which he/she has a pecuniary interest (whether direct or indirect) has been, or is proposed to be entered into by the Council or any Committee, Sub-Committee or Joint-Committee, he/she must give immediate notice to the Council in writing, of that fact. Failure to do so is a criminal offence. (Section 117 Local Government Act 1972).

13.2 The requirement referred to in Paragraph 13.1 above does not apply to a contract between the Council and the employee in his/her own name since the Council will then know of the employee's interest.

13.3 For the purpose of complying with this legal requirement, any such written notice should be given by addressing it to the Monitoring Officer, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY and by delivering the notice to the Monitoring Officer personally or sending it to him/her by post. A copy of the notice should also be delivered/sent, for information, to your Chief Officer.

13.4 The law does not define "a direct pecuniary interest". Consequently the words must be given their ordinary or natural meaning. However the concept does include actual payments or receipts in cash or in kind. It also includes benefits or disbenefits to the value of assets such as, for example, land

owned by an employee and affected by the grant of planning permission for that land or neighbouring land.

13.5 Indirect pecuniary interests are expressed by law to include the following (but this list is not exhaustive):

- (i) Membership (personally or through a nominee) of a Company or another body with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter before the Council Committee, Sub-Committee or Joint-Committee (as the case may be). Membership of a Company includes ownership of shares or other securities.
- (ii) Partnership with a person or organisation with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter being considered by the Council Committee, Sub-Committee or Joint-Committee (as the case may be).
- (iii) Employment by a person or organisation with whom the Council has made (or proposes to make) a contract or which has a direct pecuniary interest in the matter being considered by the Council Committee, Sub-Committee or Joint-Committee (as the case may be).

13.6 The Rules relating to indirect pecuniary interests do not apply to any interest arising from membership of, or employment with, a public body provided that the employee does not have any beneficial interest in securities of that body. Public bodies include nationalised industries, universities, colleges, schools, local authorities, joint boards of local authorities and The National Trust. Pecuniary interests which an employee shares with the general public such as Council Tax payer, inhabitant of the area, ordinary consumer of water etc. can be disregarded.

13.7 Any pecuniary interest (direct or indirect) of the spouse of an employee is to be treated as though it is the interest of the employee (and must be declared as such) provided that the interest is known to the employee and the married persons are living together.

13.8 If an employee has any doubt as to whether he/she has a pecuniary interest (direct or indirect) and/or what course of action to take having regard to this Code of Practice, he/she should seek advice from the appropriate Chief Officer for the function in which the employee is employed.

(NB the legal requirements and this Code of Practice each relate to any pecuniary interest and not merely to a pecuniary advantage).

14. NON-PECUNIARY INTERESTS

14.1 As mentioned above, the law makes specific provision in respect of direct and indirect pecuniary interests. It is, nevertheless the case that interests which are non-pecuniary can be just as important. An employee should not allow the impression to be created that he/she is or may be using his/her

position to promote a private or personal interest instead of promoting the general public interest. Private or personal interests include those of family, relatives and friends, as well as those arising from membership of or association with clubs, societies and other organisations (including voluntary bodies).

- 14.2 If, to your knowledge, you have a private or personal non-pecuniary interest in any business being dealt with by the Council, its Committees, Sub-Committees, Joint Committees or employees, this should be brought to the attention of the Council by sending or delivering notice in writing to the Monitoring Officer with a copy sent/delivered to your Chief Officer for information.
- 14.3 In deciding whether you have a non-pecuniary interest, the test is to ask yourself whether members of the public or Members of the Council knowing the facts of the situation, would reasonably think that you might be influenced by it. If you think so you should conclude that you have a non-pecuniary interest. If you are in any doubt you should seek the advice of your Chief Officer.

15. DECLARATION OF PECUNIARY AND NON-PECUNIARY INTERESTS AT MEETINGS

- 15.1 If you are in attendance in an official capacity at any meeting of the Council, or any Committee, Sub-Committee or Joint Committee when a matter is about to be considered by the Members in which you have a pecuniary interest (direct or indirect) or a non-pecuniary interest then, before the commencement of any discussion on the matter you should state, publicly, that you have an interest to declare.
- 15.2 Following that declaration, you should, immediately, leave the room or chamber where the meeting is taking place and remain outside that room or chamber and out of earshot of the debate, during consideration and voting on the matter in question.
- 15.3 For the avoidance of doubt, reference to any room or chamber includes any public gallery or any part of the room/chamber from which any proceedings before Members can be heard. You should only return to the room/chamber when you have received an indication that the matter in question has been dealt with by the Members.

16. EMPLOYEES' INTERESTS AND INVOLVEMENT WITH OUTSIDE BODIES

- 16.1 A voluntary register of interests of staff will be maintained by the Monitoring Officer which will be available for inspection by Members of the Council only, on application to the Monitoring Officer. The following members of staff are requested to co-operate in completing confidential returns for inclusion in the Register:

- (i) Directors

- (ii) Employees whose responsibilities are such that they may be in a position to influence the selection of contractors or consultants.
 - (iii) Employees whose responsibilities are such that they may be in a position to influence the granting of planning or other consents.
 - (iv) Employees whose responsibilities are such that they may be in a position to influence the conduct of negotiations affecting land/property or have access to or be in possession of confidential information concerning development or potential development.
- 16.2 It is suggested that the following interests should be declared. Only the existence of the interest as opposed to its detailed nature need be disclosed:
- (i) All paid employment and occupations including directorships and consultancies.
 - (ii) Any sponsorship of an employee by any company, organisation or person.
 - (iii) All freehold or leasehold land or property held by the employee upon which an option to purchase is held.
 - (iv) The name of any company or other body in which the employee has a beneficial interest in securities of a nominal value greater than £1,000 or 1/100th of the issued share capital (whichever is less) (NB the amount of the holding need not be stated).
 - (v) Any tenancy held by the employee of premises owned by the Council.
 - (vi) Any membership (whether by means of election or co-option) of another public authority.
- 16.3 For the purpose of submitting entries to the voluntary register, employees are requested to include the interests of their spouse.
- 16.4 Any employee engaged in the consideration or determination of any application for any contract, permission, grant, approval or consent should inform their Chief Officer of any interest in or association or friendship with any person or body who is known to be an applicant in the field of work in which that employee is engaged.
- 16.5 A Chief Officer to whom any such interest association or friendship is declared must take appropriate steps to ensure that the employee concerned is not placed in a position where private interest, association or friendship may conflict with official duties.
- 16.6 Employees paid more than Spinal Column Point 29 (top of Scale 7) are contractually required to devote their whole-time service to the work of the Council and shall not engage in any other business or take up any other additional appointment without the express consent of the Council.

- 16.7 All employees of the Council are reminded that they should not undertake outside work if their official duties overlap in some way with their proposed work, if it causes a conflict of interest, or if it makes use of material to which the employee has access by virtue of his or her position. It is irrelevant whether or not the work is paid.

17. COUNCIL TIME AND MATERIALS

- 17.1 Employees must not undertake any work (other than in connection with the business of the Council) during office hours. Similarly, no such work should ever be undertaken on Council premises.
- 17.2 Any employee seeking to utilise facilities or materials of the Council (e.g. photocopying) for use in connection with work or activities (other than in connection with the Council's business) must not do so without the prior consent of his/her Chief Officer. In the event of such consent being granted, the use of the Council's facilities and/or materials shall be upon the basis that the employee will pay a proper charge for all such facilities and materials used by him/her. The level of such charge shall be in accordance with rates prescribed by the Assistant Director (Resources and Performance) or (in the absence of such rates) such as is agreed between the employee and his/her Assistant Director in consultation with the Assistant Director (Resources and Performance) before any use is made of the Council's facilities and/or materials. The employee shall then keep a record of all such facilities and materials used and shall produce the same to his/her Chief Officer in order that the proper charge can be calculated and levied.

18. FEES FOR SEMINARS AND PRESENTATIONS ETC

- 18.1 This guidance is concerned with any circumstance in which an employee of the Council, acting in that capacity either during normal office hours or (at the request of the Council) outside office hours, delivers a seminar or other presentation or provides some other service (e.g. acting as an independent assessor or interviewer) to another person, organisation or public authority.
- 18.2 In those circumstances, any monies received by the employee by way of fees or expenses for the services rendered must be paid to the Council in full.
- 18.3 Except where expressly authorised by the Council, the employee shall not undertake any such service without first obtaining the consent of his/her Chief Officer.

19. CONCLUSION

- 19.1 If, at any time, an employee is in any doubt about the application or interpretation of these notes, generally or in relation to a specific set of circumstances, he/she should seek the advice of his/her Chief Officer.

- 19.2 The Council operates grievance procedures approved from time to time by the Council, copies of which are available from the Council's Assistant Director (HR, Legal and Democratic Services).

PART 6

MEMBERS' ALLOWANCES

FOREST HEATH DISTRICT COUNCIL



Forest Heath
District Council

MEMBERS' ALLOWANCE SCHEME

2013 EDITION

(As resolved at Council on 22 February 2017, this Scheme has been extended beyond 31 March 2017, until a date of expiry of 31 May 2019).

**FOREST HEATH DISTRICT COUNCIL
MEMBERS ALLOWANCE SCHEME
2013 EDITION**

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1. INTRODUCTION

This scheme is made by Forest Heath District Council pursuant to the Local Authorities (Members' Allowances) (England) Regulations 2003. It was approved by the Council on 13 March 2013 after consideration of the recommendations from the Independent Remuneration Panel.

This scheme will be known as the Forest Heath District Council Members' Allowances Scheme (2013 Edition) and will apply from 1 April 2013 until 31 March 2017.

In this scheme:

"Member" means an elected Member of Forest Heath District Council.

"Co-opted Member" means a co-opted Member of a Committee of Forest Heath District Council.

"Year" means the 12 months ending on 31 March in any year.

2. BASIC ALLOWANCE

Subject to Sections 9 and 10, for each year a basic allowance is to be paid to each Member as set out in Schedule 1 to the scheme.

The basic allowance is to be paid in equal instalments one month in arrears payable of the 28th day of each month.

3. SPECIAL RESPONSIBILITY ALLOWANCE (SRA)

Subject to the qualification below and to Sections 9 and 10, for each year a SRA shall be paid to those Members who hold the special responsibilities that are set out in respect of them in schedule 1.

The qualification referred to is that where two SRA are payable to the same member then the smaller of the two SRA is reduced by one third.

The SRA is to be paid in equal instalments one month in arrears payable on the 28th day of each month.

4. INDEXATION

The Basic Allowance and SRAs are to be index linked. On the 1st April 2014 and on the 1st April in each subsequent year the amount payable will be increased by the same amount as the increase in Local Government Officer's salaries under the joint National Council for Local Government between 1st April in the previous year and 31st March in the year in question.

The Carers Allowance will also be index linked to the National Minimum Wage for the time being

5. TRAVEL AND SUBSISTENCE ALLOWANCE

Members are able to claim travel allowance in respect of their travel to and from:

- (a) Meetings covered by the list of approved duties referred to in Schedule 2;
- (b) Meetings of outside bodies and organisations to which they have been appointed by the Council as set out in Schedule 3;
- (c) Meetings with the Chief Executive, Directors and/or Assistant Directors subject to such meetings having been pre-arranged and not relating specifically to a Members' ward work or activities.

Members are able to claim subsistence allowances where they are prevented by official duties from taking a meal at home or other place where normally taken. Reimbursement is of actual expenditure to the maximum shown.

Details of the rates of travel and subsistence allowances are set out in Schedule 4.

The rates are directly linked to the rates payable to officers and will be amended as and when the officers' scheme is amended.

6. CHILD CARE AND DEPENDANT CARERS' ALLOWANCE

Contribution towards costs incurred for the provision of care is payable at the rate of £6.19 per hour or the actual rate paid if less, towards care in respect of:

- (a) Children aged 14 or under;
- (b) Elderly relatives requiring full-time care;
- (c) Relatives with disabilities or nursing requirements who require either temporary or permanent full-time care.

In each case the dependant must normally live with the Member as part of the family and be unable to be left unsupervised.

The carer can be any responsible mature person who does not normally live with the claimant as part of the family but the allowance should not be payable in respect of members of the Councillors' immediate and close family.

7. BROADBAND ALLOWANCE

Contribution toward the cost incurred in providing Broadband connection at the rate of £240 per annum.

8. PENSIONS

Members are currently not eligible to join the Local Government Pension Scheme

9. CO-OPTED MEMBERS

Co-opted Members shall be paid an allowance as set out in Schedule 1.

The Co-opted Members' Allowance is normally paid annually in arrears.

Co-opted Members are able to claim travel and subsistence allowances in the circumstances set out in Schedule 5. Details for the rates of travel and subsistence allowances are set out in Schedule 4.

10. RENUNCIATION

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

11. PART YEAR ENTITLEMENTS

When the term of office of a Member begins or ends or the holding of a special responsibility begins or ends then the entitlement of that Member to any allowances due to him will be in the same proportion as the number of days during the term of office to the number of days in that year.

When an amendment to this scheme changes the amount to which a Member is entitled then the existing rates are payable ending with the day before the amendment takes effect.

12. CLAIMS

Each Member shall be required to complete a claim form for an allowance in the form prescribed by the Council. A claim should be made within 2 months of the date on which the duty in respect of which the entitlement to the allowance arises and are paid in the current month provided the claim is received on or before the 10th day of the month although every effort will be made to make payment as soon as practicable.

Claims must be backed up by proper receipts so far as is reasonably possible.

13. RECORD OF ALLOWANCES

The Assistant Director (HR, Legal and Democratic Services) shall keep a record of all payments made to all Members in accordance with the scheme and the requirements of the Local Authorities (Members' Allowances) (England) Regulations 2003. In accordance with the Regulations any records kept for the purpose shall be available for inspection free of charge at all reasonable times by the public during normal office hours. A copy of the record will be made available free of charge.

The Assistant Director (HR, Legal and Democratic Services) will issue the required notice under the Regulations providing summary information on the payments made under the scheme each year.

SCHEDULE 1 - BASIC ALLOWANCE AND SRAS (Updated: 1 April 2018)

Basic Allowance

All Members £5,239.56

Special Responsibility Allowance (SRA)

These SRA use a multiplier applied to a base unit of £1,396.35

Special Responsibility	Amount	Multiplier
Leader of the Council	£9,775.45	7
Deputy Leader of the Council	£5,934.49	4.25
Portfolio Holders	£5,236.31	3.75
Chairman of the Council	£2,792.70	2
Vice-Chairman of the Council	£1,396.35	1
Chairman of Overview & Scrutiny	£4,189.05	3
Vice-Chairman of Overview & Scrutiny	£2,094.52	1.5
Chairman of Licensing Committee	£1,954.89	1.4
Vice-Chairman of Licensing Committee	£977.44	0.7
Chairman of Performance and Audit Committee	£1,954.89	1.4
Vice-Chairman of Performance and Audit Committee	£977.44	0.7
Chairman of Development Control Committee	£2,792.70	2
Vice-Chairman of Development Control Committee	£1,396.35	1
Chairman of Standards Committee	£977.44	0.7
Vice-Chairman of Standards Committee	£488.72	0.35
Co-opted Members of Committee	£224.75	-
Leader of a Political Group (6 or more Members)	£977.44	0.7
Leader of a political Group (2 to 5 Members)	£488.72	0.35
Other Allowance	Amount	
Carer's allowance (contribution to cash incurred):		
- National Minimum Wage	£7.38 per hour	-
- National Living Wage (age 25 and over)	£7.83 per hour	-

All of the above allowances are to be index linked. The indices set out in Paragraph 4 above will be applied to the Basic Allowance, the Special Responsibility Allowances, the Carer's Allowance and to the base unit used to calculate the SRAs.

SCHEDULE 2 - LIST OF APPROVED DUTIES

1. The following shall be recognised as approved duties:
 - (a) Attendance by a Member at meetings of the Council, the Executive and any Committee, Sub-Committee, Board, Panel or Working Group of which he is either a Member or is attending as a substitute.
 - (b) Attendance at any other meeting officially convened by the Chairman of the Council, the Chief Executive or the Assistant Director (HR, Legal and Democratic Services).
 - (c) Attendance at a meeting for the purpose of opening tenders or any site visits authorised by the Council, the Executive or their Committees.
 - (d) Attendance at Parish Council meetings in his capacity as a Ward Member (but not where he is attending a Parish Council of which he is a Member).
2. Attendance at a meeting other than as a Member of the Executive or a Committee or a substitute is not an approved duty.

SCHEDULE 3 - OUTSIDE BODIES AND ORGANISATIONS

Attendance at any meeting on which the Member is nominated to represent or is appointed to represent the Council.

Attendance at any conferences, seminars or training events, the attendance at which is approved by the Council, or the Cabinet or a Committee of either, or the Chief Executive.

Attendance at any meetings of a Local Government Association or any Joint or Liaison Committee for Members of Local Authorities.

SCHEDULE 4 - TRAVEL ALLOWANCES

The rates of Travel Allowances are as follows:

- Where public transport is used, an amount not exceeding first class rate.
- Where the Member uses his own transport:

Vehicle Class	Rate Payable per mile (p)
Vehicle up to 999cc	28.00
Vehicles of 1000cc to 1199cc	45.00
Vehicles of 1200cc and over	45.00

On the basis that such use

- Results in a substantial saving of the Member's time.
- Is in the interests of the Authority.
- Is otherwise reasonable.

Travel allowance payable from Members' home address to the meeting venue and return or from the Members' Ward if the Members' address is outside the district.

SUBSISTENCE ALLOWANCES

The rates of Subsistence Allowances are as follows:

- | | |
|---|--------|
| • Breakfast Allowance (before 11.00am) | £6.88 |
| • Lunch Allowance (11.00am to 3.00pm) | £9.50 |
| • Tea Allowance (3.00pm to 6.00pm) | £3.76 |
| • Evening Meal Allowance (including a period ending after 7.00pm) | £11.77 |

NB

- Either a tea allowance or an evening meal allowance are payable. Both may not be claimed in respect of the same period.
- The subsistence allowances above shall be reduced by the appropriate sum in respect of any meals provided free of charge by another Authority or body during the period to which the allowance relates.

SCHEDULE 5 - SUBSISTENCE AND TRAVELLING EXPENSES FOR CO-OPTED MEMBERS

1. Standards Committee and other Council Meetings

- Attendance at Committee Meetings of which they are a Member and other Council/Committee Meetings (if required to do so):
 - No subsistence allowance payable.
 - Travelling allowances payable to meeting venue from home address and also from Council Offices back home.

2. Meetings/Conferences outside the Forest Heath District

- Provided attendance at the meeting/conference is expressly agreed by the Monitoring Officer beforehand and is both appropriate and necessary for the Co-opted Committee Member concerned, travelling and subsistence allowances may be claimed. Travelling allowances may be claimed from the Members' home address to the meeting/conference and for the return journey.

3. The current subsistence and travelling allowances payable are as set out in Schedule 4.

PART 7

PROTOCOLS

AND

OTHER DOCUMENTS

7. PROTOCOLS AND OTHER DOCUMENTS

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PROCEDURE FOR LOCAL DETERMINATIONS BY THE COUNCIL'S STANDARDS COMMITTEE

1. Introduction and Summary

- 1.1 This document sets out the procedure which will be followed under the Standards Committee (England) Regulations 2008 in the local determination of allegations of misconduct by Councillors from Forest Heath District Council and the Towns and Parishes in the district where a complaint has been investigated and a report issued. No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Councillor against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.
- 1.2 This procedure will apply to allegations of breach of the Council's Code of Conduct by elected and co-opted members of Forest Heath District Council and any Town or Parish Council in the district, and the word "Councillor" is to be taken to refer to all such persons.
- 1.3 Where the Standards Committee receives an allegation that a Councillor has breached the Council's Code of Conduct for Members, the Committee may refer the allegation for investigation. Where the Investigating Officer has issued a report the Monitoring Officer must arrange for the Standards Committee to consider it and make a finding that it accepts the investigating officer's finding of no failure or that the matter should be considered at a hearing or referred to the Adjudication Panel. Where the finding is that the matter is considered at a hearing the Standards Committee will then hold a formal hearing to determine whether a breach of the Council's Code of Conduct has occurred and whether any action should be taken in consequence.
- 1.4 The Monitoring Officer will ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee, to enable the Standards Committee to come to an informed decision as to whether the Councillor has failed to comply with the Council's Code of Conduct for Members, and upon any consequential action. The Standards Committee shall act in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on the balance of the information available to it.
- 1.5 Where the Standards Committee determines, after considering the investigation report, that it does appear to show that a breach of the Council's Code of Conduct has occurred, the Standards Committee will give the Councillor concerned the opportunity to make representations to it before it makes any final decision as to whether there has actually been a breach of the Council's Code of Conduct. Where the Standards Committee determines that the Councillor has acted in breach of the Council's Code of Conduct, the Committee will hear representations from the Investigating Officer and from the Councillor as to any action which the Committee should take in respect of the Councillor, and will consider whether any action should be taken by the Council to rectify any consequences of the misconduct or to prevent any further breaches.

- 1.6 The actions which the Standards Committee may take against the Councillor may include censuring the Councillor, suspending or partially suspending the Councillor from being a member of the Council for a period not exceeding six months or until he apologises for the misconduct, and the withdrawal of access to the Council's facilities.
- 1.7 Further guidance can be found in the Standards Board publication "Standards Committee Determinations", a copy of which is available from the Monitoring Officer.

2. The Pre-hearing Process

- 2.1 Upon receipt of an investigation report, the Monitoring Officer shall commence the pre-hearing process.
- 2.2 The Monitoring Officer shall, within 7 days of receipt of the report commence arrangements to hold a meeting of the Standards Committee to consider the report. The Committee will make one of the following findings:
- that it accepts the finding of no failure
 - that the matter should be considered at a hearing
 - that the matter should be referred to the Adjudication Panel for determination.
- 2.3 Where the Committee accepts the finding of no failure the Monitoring Officer:
- 2.3.1 will notify as soon as reasonably practicable
- the subject member
 - the investigating officer
 - the Standards Committee of any other authority concerned
 - the person making the allegation
- 2.3.2 will publish in a local newspaper a notice stating the finding unless the subject member requests that it is not published. If a notice is published it may also be placed on the web page of any authority concerned or in any other publication (e.g. Forest Heath News).
- 2.4 Where the Committee finds that the matter should be considered at a hearing:
- The Monitoring Officer shall, within 7 days of the decision:
- (i) notify the Councillor against whom the allegation is made that a hearing is to be held and provide the Councillor with a copy of the report if he has not already received one;
 - (ii) provide a copy of the pre-hearing and hearing procedures which will be followed in respect of the allegation;
 - (iii) outline the Councillor's rights and responsibilities;
 - (iv) propose dates for the hearing;
 - (v) inform the Councillor that, if he/she seeks at the meeting of the Standards Committee to dispute any matter contained in the report without having

previously notified the Monitoring Officer of his/her intention to do so, the Standards Committee may either adjourn the meeting to enable the attendance of any witnesses to evidence that matter or refuse to allow the Councillor to dispute that matter and take their decision on the basis of the matter as set out in the report.

- 2.5 In notifying the Councillor of the reference of the allegation for a hearing, the Monitoring Officer shall ask the Councillor within the next 14 days to:
- (i) provide the Monitoring Officer with a written statement in which the Councillor sets out his/her response to the report, including whether he/she admits that the alleged breach did occur;
 - (ii) notify the Monitoring Officer in writing of the identity of any person whom the Councillor wishes to represent him/her at the meeting of the Standards Committee (noting that the Committee will normally give permission for Councillors to be represented by people who are not lawyers, but may refuse permission if the representative is directly involved in the matter being determined);
 - (iii) notify the Monitoring Officer in writing (using Form A in Appendix One if he/she wishes to do so) of any matter contained in the report which the Councillor proposes to dispute at the meeting of the Standards Committee, including the reasons for any disagreements;
 - (iv) notify the Monitoring Officer whether he/she wants to give evidence to the Standards Committee, either verbally or in writing (using Form B in Appendix One if he/she wishes to do so);
 - (v) notify the Monitoring Officer of any witnesses whom he/she proposes to call to give evidence before the Standards Committee;
 - (vi) notify the Monitoring Officer whether he/she wants any part of the Investigating Officer's report or relevant documents to be withheld from the public;
 - (vii) notify the Monitoring Officer whether he/she wants any part of the hearing to be held in private; and
 - (viii) notify the Monitoring Officer whether he/she can come to the hearing on the proposed date.

- 2.6 Where the Committee finds that the matter should be referred to the Adjudication Panel for decision the Monitoring Officer will take all necessary steps to refer the matter.

The Investigating Officer's Response

- 2.7 The Monitoring Officer shall, in consultation with the Chairman of the Standards Committee, settle which independent member will chair the meeting which hears

the report, and shall notify the other members of the Committee and the Councillor accordingly.

2.8 Upon receipt of the Councillor's response, the Monitoring Officer shall send a copy of the response to the Investigating Officer and invite the Investigating Officer within them within the next 14 days to say whether or not they:

- (i) want to be represented at the hearing;
- (ii) want to call relevant witnesses to give evidence to the Standards Committee;
- (iii) want any part of the hearing to be held in private;
- (iv) want any part of the report or other relevant documents to be withheld from the public.

Pre-hearing Issues

2.9 The Independent Chairman of the Standards Committee for the hearing in consultation with the legal adviser to the Committee and, where appropriate, other parties to the process shall:

- (i) confirm a time, a date and place for the hearing;
- (ii) decide the main facts of the case that are agreed;
- (iii) decide the main facts which are not agreed;
- (iv) confirm which witnesses will give evidence;
- (v) decide whether or not to hear evidence of those disagreements during the hearing;
- (vi) decide whether or not there are any parts of the hearing that should be held in private;
- (vii) decide whether or not any parts of the Investigating Officer's report or other document should be withheld from the public.

3. Arranging the Meeting of the Standards Committee

3.1 The hearing must be held no earlier than 14 days after the Councillor first received the Investigating Officer's report (unless the Councillor agrees otherwise) and no later than three months after receipt of the Investigating Officer's report by the Monitoring Officer (or as soon as practicable thereafter).

3.2 At least two weeks before the day of the meeting of the Standards Committee, the Monitoring Officer write to everyone involved to:

- (i) confirm the date, time and place for the hearing;

- (ii) summarise the allegations;
- (iii) outline the main facts of the case that are agreed;
- (iv) outline the main facts that are not agreed;
- (v) confirm whether the Councillor concerned or the Investigating Officer will attend and/or be represented at the hearing;
- (vi) list those witnesses, if any, who will be asked to give evidence;
- (vii) outline the proposed procedure for the hearing.

3.3 The Monitoring Officer will send to each member of the Committee, to the Councillor, to the Deputy Monitoring Officer and to any person who made the allegation which gave rise to the investigation, the following documents:

- (i) the agenda for the meeting of the Committee or Sub-Committee;
- (ii) a copy of the Investigating Officer's report; and
- (iii) a copy of any written statement in response to the report which has been received from the Councillor

but may make the provision of any copy of the investigation report conditional upon an appropriate undertaking of confidentiality until such time as the Monitoring Officer makes the report available to the press and public or the Standards Committee agree that the press and public shall not be excluded from the meeting. Where this is done the Monitoring Officer will write to the Councillor and advise him/her that, at the commencement of the meeting, the Committee will consider whether the press and public should be excluded from the meeting.

3.4 The Monitoring Officer will, upon request, provide or arrange for any member of the Committee and the Councillor to have access to any background documents as have been identified or supplied by the Investigating Officer at any reasonable time between the issue of the agenda and the time of the meeting.

Confidentiality in advance of the Meeting

- 3.5 (i) Where the Monitoring Officer considers that the Investigation report and/or Councillor's written statement in response is likely to disclose "confidential information", and in consequence that it is likely that the Committee will, during consideration of these papers, not be open to the public, he/she shall not provide copies of these papers to the press or public or permit inspection thereof by the press or public in advance of the meeting.
- (ii) Where the Monitoring Officer considers that the Investigation report and/or the Councillor's written statement in response is likely to disclose "exempt information" see paragraph 6.3.2 of this procedure, he/she shall not provide copies of these papers to, nor permit inspection thereof by, any member of

the Council other than the members of the Committee and the Councillor in advance of the meeting.

4. Procedure at the Meeting

Interpretation

- 4.1 'Councillor' means the elected and co-opted member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise.
- 4.2 'Investigating Officer' means the Investigating Officer ('ESO') or Deputy Monitoring Officer or other person who investigated the complaint, and includes his or her nominated representative.
- 4.3 'Legal adviser' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council.

Representation

- 4.4 The Councillor may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person.
- 4.5 The Committee can withdraw its permission to allow a representative if that representative disrupts the hearing. An appropriate warning should normally be given before permission is withdrawn.

Legal Advice

- 4.6 The Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should normally be shared with the Councillor and the Investigating Officer if they are present.

Attendance of the Councillor

- 4.7 If the Councillor is not present at the start of the meeting, the Committee shall adjourn to enable the Councillor to attend, unless they are satisfied that there is insufficient reason for the failure of the Councillor to attend, in which case the Committee may resolve to proceed in the absence of the Councillor. Where the Committee proceeds in the absence of the Councillor, the procedure for the meeting shall be adapted as necessary, giving any representative of the Councillor who is present such rights as would otherwise be accorded to the Councillor.

Chairman

- 4.8 The hearing will be chaired by an independent member of the Standards Committee.

Witnesses

- 4.9 Although the Councillor who is the subject of the allegation is entitled to call any witnesses he or she wants, the Standards Committee may limit the number of witnesses if it believes the number called is unreasonable.
- 4.10 The Standards Committee may choose not to hear from certain witnesses if it believes that they will simply be repeating evidence of earlier witnesses or if a witness will not be providing evidence that will assist the Standards Committee to reach its decision.
- 4.11 The Standards Committee can question witnesses directly. It can also allow witnesses to be questioned and cross-examined by the Councillor or the Investigating Officer or their representatives. Alternatively, the Standards Committee can ask that these questions be directed through the Chairman.

Order of Business

- 4.12 The order of business at the meeting shall be as follows:
- 4.12.1 The legal adviser to the Committee shall confirm that the Committee is quorate. For the purposes of this procedure at least three members of the Standards Committee, including at least one independent member, must be present at each meeting.
- 4.12.2 Disclosures of interests.
- 4.12.3 Consideration as to whether to adjourn or to proceed in the absence of the Councillor, if the Councillor is not present.
- 4.12.4 Introduction of the Committee, the Monitoring Officer, the legal adviser to the Committee, the Investigating Officer and the Councillor and any representative of the Councillor and the Investigating Officer.
- 4.12.5 Any representations from the Councillor and/or the Investigating Officer as to reasons why the Committee should exclude the press and public and determination as to whether to exclude the press and public (where the Committee decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present).
- 4.12.6 The Committee shall then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

- 4.12.7 After dealing with any preliminary issues, the Committee shall move on to consider whether or not there are any significant disagreements about the facts contained in the Investigating Officer's report.
- 4.12.8 If there is not disagreement about the facts, the Committee will move on to the next stage of the hearing.
- 4.12.9 If there is a disagreement, the Investigating Officer, if present, will be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Investigating Officer may call any necessary supporting witnesses to give evidence. The Committee may give the Councillor an opportunity to challenge any evidence put forward by any witness called by the Investigating Officer.
- 4.12.10 The Councillor or his/her representative will then have the opportunity to make representations to support his or her version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
- 4.12.11 If the Councillor disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether or not it would be in the public interest to continue in his or her absence. After considering the Councillor's explanation for not raising the issue at an earlier stage, the Committee may then:
- (i) continue with the hearing, relying on the information in the Investigating Officer's report;
 - (ii) allow the member to make representations about this issue, and invite the Investigating Officer to respond and call any witnesses, as necessary; or
 - (iii) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if he or she is not already.
- 4.12.12 At the conclusion of the presentation by the Councillor, the Chairman shall ask the Investigating Officer to respond to any matter raised during the course of that presentation which was not raised in the Councillor's written statement in response. The Investigating Officer may request the Committee or Sub-Committee to adjourn to enable him/her to investigate and report on that new matter and/or to secure the attendance of witnesses as to the new matter.
- 4.12.13 At the conclusion of the evidence, the Chairman shall check with the members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- 4.12.14 If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.
- 4.12.15 The Committee will then move to another room where they will consider the representations and evidence in private. At any stage in their considerations they may return to ask any further questions of the Investigating Officer or the Councillor.
- 4.12.16 On their return, the Chairman will announce the Committee's findings of fact.

Did the Councillor fail to follow the Code of Conduct?

- 4.12.17 The Committee will then consider whether or not, based on the facts it has found, the Councillor has failed to follow the Code of Conduct.
- 4.12.18 The Councillor will be invited to give relevant reasons why the Committee should not decide that he or she has failed to follow the Code of Conduct.
- 4.12.19 The Committee will then consider any verbal or written representations from the Investigating Officer.
- 4.12.20 The Committee may, at any time, question anyone involved on any point they raise in their representations.
- 4.12.21 The Councillor will be invited to make any final relevant points.
- 4.12.22 The Committee will then move to another room to consider the representations.
- 4.12.23 On their return, the Chairman will announce the Committee's decision as to whether or not the member has failed to follow the Code of Conduct.

If the Councillor has not failed to follow the Code of Conduct

- 4.12.24 If the Committee decides that the Councillor has not failed to follow the Code of Conduct, the Committee shall consider whether it should make any recommendations to the Council.

If the Councillor has failed to follow the Code of Conduct

- 4.12.25 If the Committee decides that the Councillor has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Investigating Officer and the Councillor as to:

- (a) whether or not the Committee should set a penalty; and
- (b) what form any penalty should take.

4.12.26 The Committee may question the Investigating Officer and Councillor, and take legal advice, to make sure they have the information they need in order to make an informed decision.

4.12.27 The Committee will then move to another room to consider whether or not to impose a penalty on the Councillor and, if so, what the penalty should be. The available sanctions and further guidance on what sanctions to impose are set out in Appendix Two.

4.12.28 On their return, the Chairman will announce the Committee's decision.

Sanctions available to the Standards Committee

- 4.12.29
- Censure;
 - Written apology submitted;
 - Training undertaken;
 - Participation in conciliation;
 - Restriction for a maximum period of 6 months of the Councillor's access to the premises of the Authority and their use of the resources of the Authority, provided that such restrictions are reasonable and proportionate and do not unduly restrict the Councillor's ability to perform their functions as a Councillor;
 - Partial suspension for a maximum period of 6 months; Partial suspension for a maximum period of 6 months or until such time as a written apology is submitted or any training or conciliation specified by the Standards Committee is undertaken;
 - Suspension for a maximum period of 6 months;
 - Suspension for a maximum period of 6 months or until such time as a written apology is submitted for any training or conciliation specified by the Standards Committee is undertaken.

4.12.30 Any sanction is to commence immediately following its imposition unless a Standards Committee directs, in the case of any sanction other than censure, that it shall commence on any date within any period of 6 months after its imposition.

Recommendations to the Council

4.12.31 After considering any verbal or written representations from the Investigating Officer, the Committee will consider whether or not it should make any recommendations to the Council, with a view to promoting high standards of conduct among members.

Non-Co-operation

- 4.13 Where the Monitoring Officer has reported that any officer or Councillor of the Council has failed to co-operate with the procedure, the Committee shall consider whether to make a formal complaint about the Councillor to the Standards Board for England or refer the conduct of the officer to the Council.

5. Reporting of the Decision of the Standards Committee

- 5.1 The Committee shall announce its decision at the end of the hearing and will if requested make a short note of the decision available on the day of the hearing.

- 5.2 As soon as reasonably practicable after the Committee has made its determination a full written decision notice will be prepared and the Monitoring Officer shall send the notice of the determination to -

- (i) the Councillor who is the subject of that determination;
- (ii) the Investigating Officer concerned;
- (iii) the Standards Committee of any other Local Council of which the Councillor is, or was at the time of the alleged misconduct, a member;
- (iv) any Town or Parish Council concerned;
- (v) any person who made an allegation that gave rise to the investigation; and
- (vi) the Standards Board for England; and

subject to Section 5.5 below, arrange for a summary of the finding to be published in one or more newspapers that are independent of the Council circulating in the area of the Council(s) concerned.

- 5.3 The front cover of the Committee's full written decision shall include:

- (i) the name of the Council;
- (ii) the name of the Councillor who the allegation has been made about;
- (iii) the name of the person who made the original allegation (unless there are good reasons for keeping his or her identify confidential);
- (iv) case reference numbers of the principal council and the Standards Board for England;
- (v) the name of the Standards Committee member who chaired the hearing;
- (vi) the names of the Standards Committee members who took part in the hearing;
- (vii) the name of the Monitoring Officer and legal adviser to the Committee;
- (viii) the name of the Investigating Officer who referred the matter;

- (ix) the name of the clerk of the hearing or other administrative officer;
- (x) the date of the hearing;
- (xi) the date of the report.

5.4 The Committee's full written decision shall include:

- (i) a summary of the allegation;
- (ii) the relevant sections of the Code of Conduct;
- (iii) a summary of the evidence considered and representations made;
- (iv) the findings of fact, including the reasons for them;
- (v) the findings as to whether or not the member failed to follow the Code of Conduct, including the reasons for that finding;
- (vi) the sanction applied, if any, including the reasons for any sanction;
- (vii) the right to appeal.

5.5 **Where the Committee determines that there has not been a breach of the Code of Conduct**, the notice under paragraph 5.2 above shall -

- (i) state that the Committee found that the Councillor concerned had not failed to comply with the Code of Conduct of the Council and shall give its reasons for reaching that finding; and
- (ii) not be published in summary in one or more local newspapers in accordance with paragraph 5.2 above, if the Councillor concerned so requests.

5.6 **Where the Committee determines that there has been a failure to comply with the Code of Conduct but no action is required**, the notice under paragraph 5.2 above shall -

- (i) state that the Committee found that the Councillor concerned had failed to comply with Code of Conduct of the Council but that no action needs to be taken in respect of that failure;
- (ii) specify the details of the failure;
- (iii) give reasons for the decision reached by the Committee; and
- (iv) state that the Councillor concerned may apply for permission to appeal against the determination.

5.7 **Where the Committee determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed**, the notice under Paragraph 5.2 shall -

- (i) state that the Committee found that the Councillor concerned had failed to comply with the Code of Conduct of the Council;
- (ii) specify the details of the failure;
- (iii) give reasons for the decision reached by the Committee;
- (iv) specify the sanction imposed; and
- (v) state that the Councillor concerned may apply for permission to appeal against the determination; and

6. Public access for hearings and documents

- 6.1 Hearings shall be held in public where possible to make sure that the hearing process is open and fair. The Committee has a duty to act fairly and in line with the rules of natural justice, and there is a presumption that only in exceptional circumstances will hearings be heard in private.
- 6.2 The Committee's reports and minutes shall be available for public inspection for 6 years after the hearing. However, sections of documents relating to parts of the hearing that were held in private will not have to be made available for public inspection.

Confidential information and 'exempt information'

- 6.3 There are two circumstances in which a hearing (or part of a hearing) can or should be held in private:
 - 6.3.1 a hearing must be held in private where this is necessary to prevent confidential information being revealed. Confidential information means information that has been provided by a Government department under the condition that it must not be revealed, as well as information that cannot be revealed under any legislation or by a court order.
 - 6.3.2 The Committee has the discretion to exclude the press and public from all or part of a meeting to prevent disclosure of 'exempt information'. The regulations provide for four categories of 'exempt information' specific to Standards Committees:-
 - a. Information relating to any individuals.
 - b. Information which is subject to any obligation of confidentiality.
 - c. Information relating to national security.
 - d. The deliberations of the Standards Committee when hearing matters referred by an Investigating Officer.

- e. Information presented to a Standards Committee (or sub committee) considering:
 - a report on alternative action
 - a reference back of an investigation by the Monitoring Officer
 - a report of an Investigating Officer
 - a hearing of an allegation.

- 6.4 The Committee must hold parts of a meeting in private where confidential information is likely to be revealed.
- 6.5 The Committee must carefully consider any decision to withhold exempt information from the public and not to follow Article 6 of the European Convention on Human Rights.
- 6.6 When considering whether to exclude the public from a hearing, the Committee shall identify which parts of the reports before the Committee and minutes of the hearing are not to be made available for public inspection.
- 6.7 If evidence is heard in private, those persons present must be warned not to mention that evidence during the public parts of the hearing, or outside the hearing. Where appropriate initials must be used to protect the identity of witnesses during the hearing and in any public documentation.
- 6.8 The Committee's reports and minutes which relate to parts of the hearing held in private will not be made available for public inspection.

7. Confidentiality

- 7.1 No members or officer of the Council shall disclose any information which he/she has obtained in the course of an investigation or in pursuance of this Procedure except in the circumstances set out in Paragraph 7.2 below.
- 7.2 The circumstances referred to above shall be as follows:
 - (i) the disclosure is made for the purposes of enabling the Deputy Monitoring Officer to carry out his/her functions or the Standards Committee to carry out its functions in relation to the matter;
 - (ii) the disclosure is made to enable an appeals tribunal to discharge its functions (see below);
 - (iii) the person to whom the information relates has consented to the disclosure;
 - (iv) the disclosure is made in pursuance of a statutory requirement for disclosure;
 - (v) the information has previously been lawfully disclosed to the public;
 - (vi) the disclosure is made to the Audit Commission or District Auditor for the purposes of any function of the Audit Commission under the Audit Commission Act 1998; or

- (vii) the disclosure is for the purpose of criminal proceedings and the information in question was not obtained as a result of personal enquiries of the person subject to the criminal proceedings.

8. Appeals to the Adjudication Panel for England

- 8.1 The Councillor who is the subject of a Committee's findings may apply in writing to the President of the Adjudication Panel for England for permission to appeal against that finding.
- 8.2 The President must receive the Councillor's written application within 21 days of the Councillor receiving notice of the Committee's decision. In this application, the Councillor must outline the reasons for the proposed appeal and whether or not he or she wants the appeal carried out in writing or in person.
- 8.3 When deciding whether or not to grant permission to appeal, the President will consider whether or not there is a reasonable chance of the appeal being successful, either in whole or part.
- 8.4 The President will give the Councillor concerned his or her written decision within 21 days of receiving the application. The President will also give his or her written decision to:
 - (i) The Investigating Officer concerned;
 - (ii) The Standards Committee that made the original finding;
 - (iii) The Standards Committees of any other authorities concerned; and
 - (iv) Any person who made the allegation.
- 8.5 If the President refuses to give permission, he or she will explain the reasons for that decision.

Appeal Tribunals

- 8.6 If permission is granted, the President of the Adjudication Panel for England will arrange for a tribunal to deal with the Councillor's appeal.
- 8.7 If the Councillor does not agree to have the appeal carried out in writing, the appeal tribunal will hold a hearing. The tribunal must give the Councillor at least 21 days' notice of the date of the hearing.
- 8.8 The Councillor can be represented at the appeal hearing by counsel, a solicitor or any other person they choose. If the Councillor wants to have a non-legal representative, the Councillor must get permission from the tribunal beforehand, who may prevent that person acting as representative if he or she is directly involved in the case.
- 8.9 The appeal tribunal can decide its own procedures. It is likely that the Committees or Sub-Committees will be given the opportunity to make representations in relation

to the appeal and, in an appropriate case, to go to or be represented at the appeal hearing.

- 8.10 If the Councillor agrees to have the appeal carried out in writing, the tribunal may still decide to hold a hearing at which the Councillor can attend in person and be represented as outlined above. However, the tribunal may choose to carry out the appeal entirely through written representations.
- 8.11 If, after being given reasonable notice, the Councillor fails to go to or be represented at an appeal hearing, the tribunal may determine the matter in the Councillor's absence. However, if the tribunal is satisfied that this is a good reason for the Councillor's absence, it should postpone the hearing to another date.

Outcome of the appeal

- 8.12 The appeal tribunal will consider whether or not to uphold or dismiss the finding or part of the finding made by the Standards Committee. If the tribunal upholds the Committee's finding, or part of the finding, it may:
- (i) approve the penalty set by the Committee;
 - (ii) require the Committee to set a penalty if it has not already done so; or
 - (iii) require the Committee to set a different penalty to that already set.
- 8.13 If the tribunal dismisses the finding of the Committee, the decision and any resulting penalty will no longer apply. The Committee must act on any directions given by the appeal tribunal.

Notice of the appeal tribunal's decision

- 8.14 The appeal tribunal will give written notice of its decision to:
- (i) the Councillor who is the subject of the decision;
 - (ii) the Investigating Officer;
 - (iii) the Standards Committee that made the original finding;
 - (iv) the Standards Committee or any other authorities concerned; and
 - (v) any person who made the allegation.
- 8.15 The appeal tribunal will also public a summary of its decision in one or more of the newspapers circulating in the area of the authority or authorities concerned.

Costs

- 8.16 Councillors are responsible for meeting the cost of any representation at a Standards Committee hearing or appeal tribunal.

Model Forms

- Form A - Councillor's response to the evidence set out in the Investigating Officer's report.
- Form B - Other evidence relevant to the allegation.
- Form C - Representations to be taken into account if a member is found to have failed to follow the Code of Conduct.
- Form D - Arrangement for the Standards Committee Hearing.
- Form E - Details of the Proposed witnesses to be called.
- Form F - Checklist for the pre-hearing process summary.

Sanctions available to the Committee or Sub-Committee

A Sanctions available in respect of a Councillor who has ceased to be a Councillor at the date of the meeting

Censure of the Councillor

B Sanctions available in respect of a Councillor who remains a Councillor at the date of the meeting

Any one, or a combination, of the following:

1. Censure of the Councillor.
2. Submission of a written apology in a form specified by the Standards Committee.
3. Restriction for a maximum period of six months of that Councillor's access to the premises of the Council and that Councillor's use of the resources of the Council, provided that any such restrictions imposed upon the Councillor -
 - (a) are reasonable and proportionate to the nature of the breach; and
 - (b) do not unduly restrict the Councillor's ability to perform his/her functions and duties as a Councillor.
4. Partial suspension of that Councillor for a maximum period of six months.
5. Partial suspension of that Councillor for a maximum period of six months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee.
6. Suspension of that Councillor for a maximum period of six months.
7. Suspension of that Councillor for a maximum period of six months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee or Sub-Committee.

Any sanction imposed shall commence immediately upon the determination of the Committee or Sub-Committee, unless the Committee or Sub-Committee determine that a sanction comprised within paragraphs 2 to 6 above shall commence on such date as they may determine being no later than 6 months after the date of the determination.

Deciding a Penalty

When deciding a penalty, the Standards Committee shall make sure that it is reasonable and proportionate to the Councillor's behaviour. Before deciding what

penalty to set, the Standards Committee should consider the following questions, along with any other relevant circumstances:

- What was the Councillor's intention? Did the Councillor know that he or she was failing to follow the Code of Conduct?
- Did the Councillor get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the Councillor accept he or she was at fault?
- Did the Councillor apologise to the relevant people?
- Has the Councillor previously been warned or reprimanded for similar misconduct?
- Has the Councillor failed to follow the Code of Conduct before?
- Is the Councillor likely to do the same thing again?

For example, if a Councillor has repeatedly or blatantly misused the Council's information technology resources, the Standards Committee may consider withdrawing those resources from the Councillor.

Suspension may be appropriate for more serious cases, such as those involving:

- Bullying officers;
- Trying to gain an advantage or disadvantage for themselves or others; or
- Dishonesty or breaches of trust.

Penalties involving restricting access to the Council's premises or equipment should not necessarily restrict a Councillor's ability to carry out his or her responsibilities as an elected representative or co-opted member.

There may be other factors, specific to the local environment, that the Standards Committee may also consider relevant when deciding what penalty to set.

When deciding on an appropriate penalty, the Standards Committee may want to consider decisions made by other Standards Committees and case tribunals drawn from the Adjudication Panel for England that deal with similar types of cases.

FOREST HEATH DISTRICT COUNCIL

FORM A - Member's response to the evidence as set out in the

ESO's/Council Officer's report

Please enter the number of any paragraph where you disagree with the findings of fact in the report, and give your reasons and your suggested alternative.

Paragraph Number from the report	Reason for disagreeing with the findings of fact provided in that paragraph	Suggestion as to how the paragraph should read

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FOREST HEATH DISTRICT COUNCIL

Please set out below, using the numbered paragraphs, any other evidence you feel is relevant to the allegation made about you.

FORM B - Other evidence relevant to the allegation

Paragraph Number	Details of the evidence
1	
2	
3	
4	
5	

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FOREST HEATH DISTRICT COUNCIL

FORM C -

Please set out below, using the numbered paragraphs, any factors that the Standards Committee should take into account if it finds that a member has failed to follow the Code of Conduct.

Please note that no such finding has been made yet.

REPRESENTATIONS TO BE TAKEN INTO ACCOUNT IF A MEMBER IS FOUND TO have failed to follow the code of conduct

Paragraph Number	Factors for the Standards Committee to take into account when deciding whether or not to order any censure, restriction of resources or allowances, suspension or partial suspension.
1	
2	
3	
4	
5	

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FOREST HEATH DISTRICT COUNCIL

FORM D - Arrangements for the Standards Committee hearing

Please tick the relevant boxes

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<p>The proposed date for the Standards Committee hearing is given in the accompanying letter. Are you planning to go to the hearing? If 'NO', please explain why</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Reason:</p>
<p>2. Are you going to present your own case?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>3. If you are not presenting your own case, will a representative present it for you? If 'Yes', please state the name of your representative.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Name:</p>
<p>4. Is your representative a practising solicitor or barrister? If 'Yes', please give his or her legal qualifications. Then go to question 7. If 'No' please go to question 5.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Qualifications:</p>
<p>1. Does your representative</p>	<p>Yes <input type="checkbox"/></p>	<p>Details:</p>

<p>6. Are you going to give evidence to the Committee?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>If 'Yes' will it be in writing or verbally? Writing <input type="checkbox"/> Verbally <input type="checkbox"/></p>
<p>7. Are you going to call any witnesses? If 'Yes', please fill in Form E.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>8. Do you, your representative or your witnesses have any access difficulties or special needs? If 'Yes', please give details.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Details:</p>
<p>9. Do you want any part of the hearing to be held in private? If 'Yes', please give reasons.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p>Reasons:</p>
<p>10. Do you want any part of</p>	<p>Yes <input type="checkbox"/></p>	<p>Reasons:</p>

<p>have any connection with the case?</p> <p>If 'Yes', please give details.</p>	No	
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<p>the relevant documents to be withheld from public inspection?</p> <p>If 'Yes', please give reasons.</p>	No	
--	----	--

FOREST HEATH DISTRICT COUNCIL

FORM E - Details of proposed witnesses to be called

Name of witness or witnesses	1	
	2	
	3	
WITNESS 1	Yes	Outline of evidence:
a. Will the witness give evidence about the allegation?	<input type="checkbox"/>	
	No	
If 'Yes', please provide an outline of the evidence the witness give.	<input type="checkbox"/>	
b Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of	Yes	Outline of evidence:
	<input type="checkbox"/>	

WITNESS 2	Yes	Outline of evidence:
a. Will the witness give evidence about the allegation?	<input type="checkbox"/>	
	No	
If 'Yes', please provide an outline of the evidence the witness will give.		
b. Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?	Yes	Outline of evidence
	<input type="checkbox"/>	
	No	
If 'Yes', please provide an outline of the evidence the witness will give.	<input type="checkbox"/>	
WITNESS 3	Yes	Outline of evidence:
a. Will the witness give	<input type="checkbox"/>	
	No	
	<input type="checkbox"/>	

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<p>Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>No</p>	
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<p>evidence about the allegation?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p> <p>b. Will the witness give evidence about what action the Standards Committee should take if it finds that the Code of Conduct has not been followed?</p> <p>If 'Yes', please provide an outline of the evidence the witness will give.</p>	<p>Yes</p> <p>No</p>	<p>Outline of evidence:</p>
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FOREST HEATH DISTRICT COUNCIL

FORM F - CHECKLIST FOR THE PRE-HEARING PROCESS SUMMARY

After the Standards Committee has received responses from the Member who the allegation has been made about and the ESO, it should prepare a summary of the main aspects of the case that will be heard.

The pre-Hearing process summary should include:

- the name of the Council;
- the name of the Member who the allegation has been made about;
- the name of the person who made the original allegation (unless there are good reasons to keep his or her identity confidential);
- case reference numbers of the Council and The Standards Board for England;
- the name of the Standards Committee Member who will chair the Hearing;
- the name of the Monitoring Officer;
- the name of the ESO who referred the matter;
- the name of the clerk of the Hearing or other Administrative Officer;
- the date the pre-Hearing process summary was produced;
- the date, time and place of the Hearing;
- a summary of the allegation;
- the relevant section or sections of the Code of Conduct;
- the findings of fact in the ESO's report that are agreed;
- the findings of fact in the ESO's report that are not agreed;
- whether or not the Member or the ESO will attend or be represented;
- the names of any witnesses who will be asked to give evidence; and
- and outline of the proposed procedure for the Hearing.

APPENDIX TWO

Sanctions available to the Committee or Sub-Committee

A Sanctions available in respect of a Councillor who has ceased to be a Councillor at the date of the meeting

Censure of the Councillor

B Sanctions available in respect of a Councillor who remains a Councillor at the date of the meeting

Any one, or a combination, of the following:

8. Censure of the Councillor.
9. Restriction for a maximum period of three months of that Councillor's access to the premises of the Council and that Councillor's use of the resources of the Council, provided that any such restrictions imposed upon the Councillor -
 - (c) are reasonable and proportionate to the nature of the breach; and
 - (d) do not unduly restrict the Councillor's ability to perform his/her functions and duties as a Councillor.
10. Partial suspension of that Councillor for a maximum period of three months.
11. Partial suspension of that Councillor for a maximum period of three months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee.
12. Suspension of that Councillor for a maximum period of three months.
13. Suspension of that Councillor for a maximum period of three months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee or Sub-Committee.

Any sanction imposed shall commence immediately upon the determination of the Committee or Sub-Committee, unless the Committee or Sub-Committee determine that a sanction comprised within paragraphs 2 to 6 above shall commence on such date as they may determine being no later than 6 months after the date of the determination.

Deciding a Penalty

When deciding a penalty, the Standards Committee shall make sure that it is reasonable and in proportion to the Councillor's behaviour. Before deciding what penalty to set, the Standards Committee must consider the following questions, along with any other relevant circumstances:

- What was the Councillor's intention? Did the Councillor know that he or she was failing to follow the Code of Conduct?
- Did the Councillor get advice from officers before the incident? Was that advice acted on in good faith?
- Has there been a breach of trust?
- Has there been financial impropriety (for example, improper expense claims or procedural irregularities)?
- What was the result of failing to follow the Code of Conduct?
- How serious was the incident?
- Does the Councillor accept he or she was at fault?
- Did the Councillor apologise to the relevant people?
- Has the Councillor previously been warned or reprimanded for similar misconduct?
- Has the Councillor failed to follow the Code of Conduct before?
- Is the Councillor likely to do the same thing again?

For example, if a Councillor has repeatedly or blatantly misused the Council's information technology resources, the Standards Committee may consider withdrawing those resources from the Councillor.

Suspension may be appropriate for more serious cases, such as those involving:

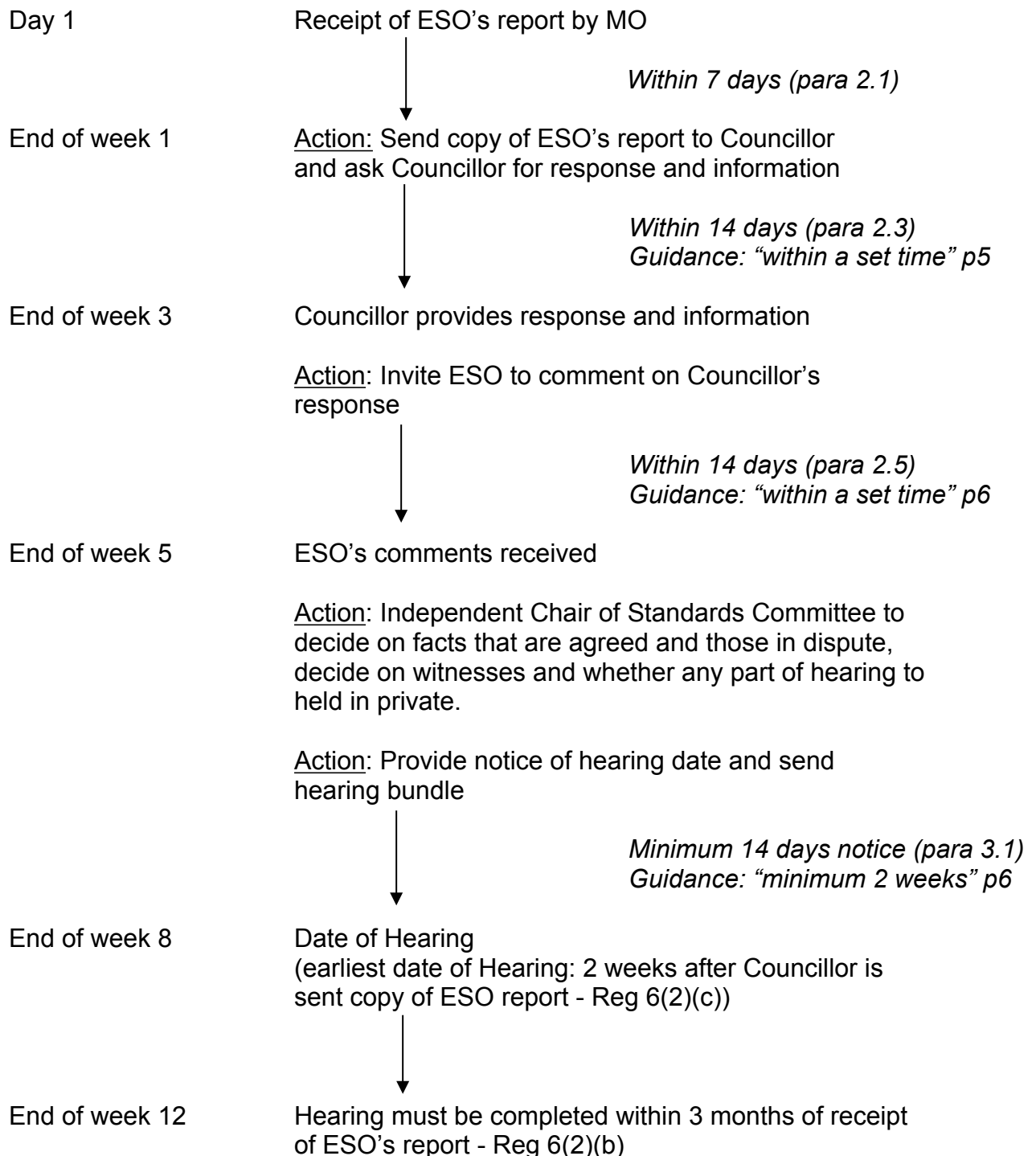
- Bullying officers;
- Trying to gain an advantage or disadvantage for themselves or others; or
- Dishonesty or breaches of trust.

Penalties involving restricting access to the Council's premises or equipment should not necessarily restrict a Councillor's ability to carry out his or her responsibilities as an elected representative or co-opted member.

There may be other factors, specific to the local environment, that the Standards Committee may also consider relevant when deciding what penalty to set.

When deciding on an appropriate penalty, the Standards Committee may want to consider decisions made by other Standards Committees and case tribunals drawn from the Adjudication Panel for England that deal with similar types of cases.

Time line for local adjudication procedure



PROCEDURE FOR LOCAL INVESTIGATION OF REFERRED COMPLAINTS AND LOCAL STANDARDS HEARINGS

1. Introduction and Summary

- 1.1 This document sets out the procedure which will be followed in the local investigation of allegations of misconduct by Councillors. No departure will be made from this procedure unless and until the Monitoring Officer has first notified the Councillor against whom the allegation has been made of the proposed variation to the procedure and the reasons for that variation.
- 1.2 This procedure applies to breaches of the Council's Code of Conduct for Members by elected and co-opted Members of the Council, and the word "Councillor" is to be taken to refer to all such persons.
- 1.3 In this process, the function of the Investigating Officer is to ensure, as far as possible, that all the information which is relevant to the allegation is identified and presented to the Standards Committee, to enable the Standards Committee to come to an informed decision as to whether the Councillor has failed to comply with the Council's Code of Conduct for Members and upon any consequential action. The Standards Committee acts in an inquisitorial manner, rather than an adversarial manner, seeking the truth in relation to the conduct of the Councillor on balance of the information available to it, and may commission further investigation or information if it needs to do so in order to come to a decision.

1.4 Interpretation

- (a) 'Councillor' means the member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's representative.
- (b) 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her representative).
- (c) 'The Matter' is the subject matter of the Investigating Officer's report.
- (d) 'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing, unless the context indicates that it refers only to the Standards Committee itself.

2. Notification of Reference of Allegation to the Monitoring Officer

Appointment of Investigating Officer

- 2.1 Upon receipt of the allegation from an Ethical Standards Officer, the Monitoring Officer will appoint an Investigating Officer in respect of the allegation and instruct him/her to conduct an investigation of the allegation and to report thereon to the Council's Standards Committee. The Investigating Officer may be an officer of the Council, an officer of another Local Authority, or an external Investigating Officer.

- 2.2 The Investigating Officer may appoint persons to assist him/her in the conduct of his/her functions and may obtain such professional advice as may be necessary for the conduct of the investigation.

Notification to the Councillor

- 2.3 The Monitoring Officer will then notify in writing the Councillor against whom the allegation is made:
- (i) that the allegation has been referred to him for local investigation and determination;
 - (ii) the identity of the person making the allegation (unless identification of the complainant might prejudice the investigation or the complainant has been granted anonymity);
 - (iii) of the conduct which is the subject of the allegation;
 - (iv) of the section(s) of the Code of Conduct which appear to him to be relevant to the allegation;
 - (v) of the procedure which will be followed in respect of the allegation, and
 - (vi) of the identity of the Investigating Officer.

- 2.4 The Monitoring Officer shall provide the Councillor with a copy of any report received from the Ethical Standards Officer.

Notification to the Parish or Town Council Clerk

- 2.5 Where the allegation relates to the conduct of a member of a Parish or Town Council in his/her capacity as such, at the same time as notifying the Councillor, the Monitoring Officer will notify the Clerk of the Parish or Town Council concerned in writing of the matters set out in paragraphs 2.3 (i) - (iv) and (vi) above.

Notification to the Person who made the Allegation

- 2.6 At the same time as notifying the Councillor, the Monitoring Officer will notify the person who made the allegation in writing of the matters set out in paragraphs 2.3 (i) - (iv) and (vi) above.

3. **Conduct of Investigation**

Purpose of the Investigation

- 3.1 The purpose of the Investigating Officer's investigation is to enable him/her to prepare and present to the Standards Committee a report which will provide the

Standards Committee with sufficient information to determine whether the Councillor has acted in breach of the Code of Conduct and where there has been a breach of the Code of Conduct whether any action should be taken in respect of the Councillor or in consequence of the breach, and what any such action should be.

Termination of the Investigation

- 3.2 The Investigating Officer may terminate his/her investigation at any point, where he/she is satisfied that he/she has sufficient information to enable him/her to report to the Standards Committee and to enable the Standards Committee to come to a considered decision on the allegation.

Additional Matters

- 3.3 Where, in the course of his/her investigation, the Investigating Officer becomes aware of any other matter which appears to him/her to indicate a breach of the Code of Conduct by the Councillor other than the breach which he/she is currently investigating, the Investigating Officer shall, where the additional matter relates to an apparent breach of the Code of Conduct by a Councillor report the matter to the Monitoring Officer who will then determine whether to report the additional matter to the Standards Committee.
- 3.4 The Investigating Officer will identify an initial list of persons to be interviewed, organisations from whom information is to be sought and documents to be inspected as part of the investigation.

Production of documents, information and explanations

- 3.5 In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may make such enquiries of any person or organisation, and request any person or organisation to provide any document or information which is in his/its possession or control, or provide any explanation, as he/she thinks necessary for the purposes of carrying out the investigation.
- 3.6 In the course of the investigation, the Investigating Officer and any person authorised on his/her behalf may require any authority of which the Councillor is a member to provide any document which is in his/its possession or control which he/she thinks necessary for the purposes of carrying out the investigation.

Interviews

Requesting attendance

- 3.7 In the course of the investigation the Investigating Officer may request any person to attend and appear before him or otherwise provide any information, document or explanation for the purposes of Paragraph 3.5, as he/she thinks necessary for the purposes of carrying out the investigation.

Representation

- 3.8 Any person who appears before the Investigating Officer may arrange to be accompanied at their own expense by a Solicitor, Counsel or friend.

Note of interviews

- 3.9 Following the interview the Investigating Officer shall produce a written note of the material points of the interview, provide two copies of that note to the person interviewed and ask them to return one copy signed as a correct record of the interview, with such corrections or amendments as they may feel necessary for that purpose.

Costs

- 3.10 The Investigating Officer may, where he/she considers that it is appropriate in order to facilitate the conduct of the investigation, pay to any person who provides any document, information, advice or explanation in response to his/her request, such fees or allowances as he/she considers to be appropriate subject to the maxima set by the Council (or in the absence of a maxima set by the Council to a reasonable sum).

Reference back to the Standards Board

- 3.11 At any point in the course of the investigation referred by an Ethical Standards Officer, if the Investigating Officer is of the opinion
- (i) that the seriousness of the matters which he/she is investigating, including any additional matters identified under paragraph 3.3 above, is such that they may merit the application of a sanction beyond the powers of the Standards Committee, or
 - (ii) that the nature of the allegations is such that it would be inappropriate for the Standards Committee to determine the matter, or
 - (iii) that he has been prevented from completing the investigation

he/she may, after consulting the Monitoring Officer, suspend his/her investigation and the Monitoring Office shall then request the Ethical Standards Officer to resume his investigation of the matter.

- 3.12 Where the Ethical Standards Officer does resume his investigation, the Monitoring Officer shall ensure that the Councillor concerned, the person who made the complaint, the members of the Standards Committee and any Parish or Town Council is informed of the position. Where the Ethical Standards Officer declines to resume his investigation, the Monitoring Officer shall instruct the Investigating Officer to resume his investigation.

- 3.13 At any point in the course of an investigation, if the Investigating Officer considers that the following apply:
- (a) the evidence suggests that the case is more or less serious than apparent to the Assessment or Review Sub Committee so that they may have considered another course of action, or
 - (b) the Councillor has died, is seriously ill or has resigned from the Authority such that it is no longer appropriate to continue the investigation

then he/she may, after consulting the Monitoring Officer refer the matter back to the Standards Committee.

4. **The Draft Report**

4.1 When the Investigating Officer is satisfied that he/she has sufficient information to meet the requirement set out in paragraph 3.1, or has obtained as much information as is likely to be reasonably capable of being obtained, he/she shall prepare a draft report setting out:

- (i) the details of the allegation;
- (ii) the relevant provisions of statute and of the Code of Conduct;
- (iii) the Councillor's initial response to notification of the allegation (if any);
- (iv) the relevant information, advice and explanations which he/she has obtained in the course of the investigation;
- (v) a list of any documents relevant to the matter;
- (vi) a list of those persons whom he/she has interviewed and those organisations from whom he/she has sought information;
- (vii) a note of any person or organisation who has failed to co-operate with the investigation and the manner in which they have failed to co-operate;
- (viii) a statement of his/her draft findings of fact
- (ix) his/her conclusion as to whether the Councillor has or has not failed to comply with the Code of Conduct for Members of any Council, and
- (x) any recommendations which the Investigating Officer is minded to make to any Council concerned for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct for rectifying any deficiency in the Council's decision-making procedures or for preventing or deterring any breach of the Code of Conduct or to remedy the position of any person who may have suffered detriment or injustice as a result of the breach. Where the allegation relates to a Parish or Town Councillor, such recommendations are recommendations which the Investigating Officer

recommends that the Standards Committee makes to the Parish or Town Council concerned.

4.2 The draft report should also state

- (i) that the report is confidential;
- (ii) that the report does not necessarily represent the Investigating Officer's final finding, and
- (iii) that the Investigating Officer will present a final report to the Standards Committee once he/she has considered any comments received on the draft report.

4.3 The Investigating Officer shall then send a copy of his/her draft report in confidence to the Councillor and the person making the allegation, and request that they send any comments thereon to him/her within 14 days.

4.4 The Investigating Officer may send a copy of, or relevant extracts from his/her draft report in confidence to any person on whose evidence he/she has relied in compiling the draft report, and request that they send any comments thereon to him/her within 14 days.

5. **The Final Report**

5.1 After the expiry of that period (or such extended period as the Investigating Officer may allow), the Investigating Officer shall reconsider and amend his/her draft report in the light of any comments received, and produce and send to the Monitoring Officer his final report. The final report should state that the report represents the Investigating Officer's final findings and will be presented to the Standards Committee, and should have appended to it copies of any documents which the Investigating Officer has relied on in reaching his/her conclusions, such as background documents of telephone conversations, letters and notes of interviews with witnesses.

5.2 The Monitoring Officer shall then send a copy of the final report to the Councillor, advising that;

- (i) the final report will be referred to the Standards Committee for their consideration, and
- (ii) where the final report concludes that there has been a failure by the Councillor to comply with the Code of Conduct for Members, he/she will refer the report to the Standards Committee for a formal hearing.

STANDARDS COMMITTEE

ASSESSMENT AND REVIEW PROCEDURES

Procedures to be followed on Allegations that a District or Parish Councillor has breached the Members' Code of Conduct: compiled in relation to s.57A(1) of the Local Government and Public Involvement in Health Act, 2007, Regulation 10(3) of SI 2008 No.1085 and SBE Guidance.

- *Subject Member*: - the member the subject of an allegation.
- *Independent Member*: - a person who is not a member or officer of Forest Heath District Council or any other relevant authority who is appointed to Forest Heath District Council's Standards Committee.
- *Assessment Sub-Committee*: - a sub-committee which is responsible for the initial assessment of complaints that a member may have breached the Code.
- *Review Sub-Committee*: - a sub-committee which is responsible for reviewing the assessment sub-committee's decision where it decided to take no further action on a complaint.
- *Standards Committee*: - the committee responsible for undertaking hearings into alleged breaches of the Code following an investigation.

The Initial Complaint

Forest Heath District Council's Standards Committee deals with complaints against Forest Heath District Council elected or co-opted members and complaints against Town or Parish Councillors of any Town or Parish Council in the Forest Heath District.

Any person may make a complaint in writing that a Forest Heath District Councillor or a Town/Parish Councillor has breached the Code of Conduct for the councillor's authority. A complaint can be made via the statutory Complaints Procedures set up under the Local Government Act 2000 and related legislation.

Under the formal statutory procedures, complaints must be submitted in writing. This includes fax and electronic submissions. However, the requirement for complaints to be submitted in writing must be read in conjunction with the Disability Discrimination Act 2000 and the requirement to make reasonable adjustments. An example of this would be in assisting a complainant who has a disability that prevents them from making their complaint in writing. In such cases, Forest Heath District officers may need to transcribe a verbal complaint and then produce a written copy for approval by the complainant or the complainant's representative.

The Council will also make available support to complainants where English is not the complainant's first language.

Complaints should normally use the Council's Code of Conduct Complaint Form, available from the Monitoring Officer (see Contact Details below) or via the Council's website: www.forest-heath.gov.uk. Otherwise, complaints may be made including the following information:

- the complainant's name, address and other contact details
- complainant status, for example, member of the public, fellow member or officer
- who the complaint is about and the authority or authorities that the member belongs to

- details of the alleged misconduct including, where possible, dates, witness details and other supporting information
- equality monitoring data if applicable, for example nationality of the complainant.

Complainants are warned that the complainant's identity will normally be disclosed to the subject member. Note: in exceptional circumstances, if it meets relevant criteria and at the discretion of the standards committee, this information may be withheld. See further on this below. The receipt of a written complaint will be acknowledged.

Assessment of a Complaint

The complaint will be reported to the Assessment Sub-Committee. Before assessment of a complaint begins, the assessment sub-committee must be satisfied that the complaint meets the following tests:

- it is a complaint against one or more named members of the authority or an authority covered by the standards committee
- the named member was in office at the time of the alleged conduct and the Code of Conduct was in force at the time
- the complaint, if proven, would be a breach of the Code under which the member was operating at the time of the alleged misconduct.

If the complaint fails one or more of these tests it cannot be investigated as a breach of the Code, and the complainant will be informed that no further action will be taken in respect of the complaint.

The criteria which the Sub-Committee will use in assessing a complaint are set out in the attached form "Criteria for accepting Complaints".

Initial Assessment Decisions:

The assessment sub-committee will aim to complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint.

The assessment sub-committee is required to reach one of the three following decisions on a complaint about a member's actions in relation to the Code of Conduct:

- referral of the complaint to the monitoring officer of the authority concerned, (which under section 57A(3) of the Local Government Act 2000, as amended, may be another authority) for investigation or alternative action
- referral of the complaint to the Standards Board for England for investigation
- no action should be taken in respect of the complaint

The monitoring officer will write to the relevant parties informing them of the decision and, if appropriate, advising who will be responsible for conducting the investigation.

Referral for local investigation

When the assessment sub-committee considers a new complaint, it can decide that it should be referred to the monitoring officer for investigation. The monitoring officer will

write to the relevant parties informing them of the decision and, if appropriate, advising who will be responsible for conducting the investigation.

Referral to the Standards Board for England

In most cases, authorities will be able to deal with the investigation of complaints concerning members of their authorities and, where relevant, the parish and town councils they are responsible for. However, there will sometimes be issues in a case, or public interest considerations, which make it difficult for the authority to deal with the case fairly and speedily. In such cases, the assessment sub-committee may wish to refer a complaint to the Standards Board to be investigated by an ethical standards officer.

Referral for other action

When the assessment sub-committee considers a new complaint, it can decide that other action to an investigation should be taken and it can refer the matter to the monitoring officer to carry this out. It may not always be in the interests of good governance to undertake or complete an investigation into an allegation of misconduct. The assessment sub-committee must consult its monitoring officer before reaching a decision to take other action. The suitability of other action is dependent on the nature of the complaint. Certain complaints that a member has breached the Code of Conduct will lend themselves to being resolved in this way. They can also indicate a wider problem at the authority concerned. Deciding to deal pro-actively with a matter in a positive way that does not involve an investigation can be a good way to resolve matters that are less serious. Other action can be the simplest and most cost effective way of getting the matter resolved, helping the authority to work more effectively, and of avoiding similar complaints in the future.

Everyone involved in the process will need to understand that the purpose of other action is not to find out whether the member breached the Code – the decision is made as an alternative to investigation. Complaints that have been referred to the monitoring officer for other action will not then be referred back to the standards committee if the other action is perceived to have failed. There will be a requirement that the parties involved confirm in writing that they will co-operate with the process of other action proposed.

The following are some examples of alternatives to investigation:

- arranging for the subject member to attend a training course
- arranging for that member and the complainant to engage in a process of conciliation
- instituting changes to the procedures of the authority if they have given rise to the complaint.

Decision to take no action

The assessment sub-committee can decide that no action is required in respect of a complaint. For example, this could be because the assessment sub-committee does not consider the complaint to be sufficiently serious to warrant any action. Alternatively, it could be due to the length of time that has elapsed since the alleged conduct took place and the complaint was made.

Notification requirements – local assessment decisions

If the assessment sub-committee decides to take no action over a complaint, then as soon as possible after making the decision it will give notice in writing of the decision and set out the reasons for that decision. Where no potential breach of the Code is disclosed, the assessment sub-committee will explain in the decision notice what the allegation was and why they believe this to be the case. This notice will be given to the relevant parties. The relevant parties will be the complainant and the subject member. The standards committee will aim to send out its decision notice within five working days of the decision being made. If the assessment sub-committee decides that the complaint should be referred to the monitoring officer or to the Standards Board for England, it will send a summary of the complaint to the relevant parties. It will state what the allegation was and what type of referral it made, for example whether it referred the complaint to the monitoring officer or to the Standards Board for investigation. After it has made its decision, the assessment sub-committee does not have to give the subject member a summary of the complaint, if it decides that doing so would be against the public interest or would prejudice any future investigation. The assessment sub-committee can use its discretion to give limited information to the subject member if it decides this would not be against the public interest or prejudice any investigation. Any decision to withhold the summary will be kept under review as circumstances change.

Reviews of 'no further action' decisions

If the assessment sub-committee decides not to take any action on a complaint, then the complainant has a right to request a review over that decision. The review sub-committee will aim to undertake the review within the same timescale as the initial assessment – that is, to complete the review within an average of 20 working days. The review must be, and must be seen to be, independent of the original decision. Members of the assessment sub-committee who made the original decision must not take part in the review of that decision. A separate review sub-committee, made up of members of the standards committee, will consider the review. The review sub-committee will apply the same criteria used for initial assessment. The review sub-committee has the same decisions available to it as the assessment sub-committee.

There may be cases where further information is made available in support of a complaint that changes its nature or gives rise to a potential new complaint. In such cases, the review sub-committee will consider carefully if it is more appropriate to pass this to the assessment sub-committee to be handled as a new complaint. In this instance, the review subcommittee will still need to make a formal decision that the review request will not be granted. For example, a review may be more appropriate if a complainant wishes to challenge that:

- not enough emphasis has been given to a particular aspect of the complaint
- there has been a failure to follow any published criteria
- there has been an error in procedures.

However, if more information or new information of any significance is available, and this information is not merely a repeat complaint, then a new complaint rather than a request for review may be more suitable. Notification requirements – reviews of local assessment decisions If the standards committee receives a review request from the complainant, it will notify the subject member and other relevant parties that it has received the request. When the review sub-committee reviews the assessment sub-committee's decision it has the same decisions available to it that the assessment sub-committee had. It could be

decided that no action should be taken on the complaint. In this case, the review sub-committee must, as soon as possible after making the decision, give the complainant and the subject member notice in writing of both the decision and the reasons for the decision. If it is decided that the complaint should be referred to the monitoring officer or to the Standards Board for England, the standards committee should write to the relevant parties telling them this and letting them have a summary of the complaint.

The review sub-committee will aim to send out its decision notice within five working days of the decision being made.

In accordance with regulations, Forest Heath District Council may agree to delegate to the Standards committee of St Edmundsbury borough Council the function of carrying out the review of a decision of an assessment sub committee that no action should be taken in respect of a complaint. Where it is considered that this delegation should be used because of capacity issues arising from either absence, vacancies, or conflicts of interest the Monitoring Officer will consult the Chairman of the committee before deciding to do so.

OTHER ISSUES

Access to meetings and decision making

Initial assessment decisions, and any subsequent review of decisions to take no further action on a complaint, must be conducted in closed meetings. These are not subject to the notice and publicity requirements under Part 5 of the Local Government Act 1972. Such meetings may have to consider unfounded and potentially damaging complaints about members, which it would not be appropriate to make public. As such, a standards committee undertaking its role in the assessment or review of a complaint is not subject to the following rules:

- rules regarding notices of meetings
- rules on the circulation of agendas and documents
- rules over public access to meetings
- rules on the validity of proceedings

Instead, Regulation 8 of the regulations sets out what must be done after the assessment or review sub-committee has considered a complaint. The new rules require a written summary to be produced which will include:

- the main points considered
- the conclusions on the complaint
- the reasons for the conclusion

The summary may give the name of the subject member unless doing so is not in the public interest or would prejudice any subsequent investigation. The written summary must be made available for the public to inspect at the authority's offices for six years and given to any parish or town council concerned. The summary does not have to be available for inspection or sent to the parish or town council until the subject member has been sent the summary. In limited situations, a standards committee can decide not to give the written summary to the subject member when a referral decision has been made and, if this is the case, authorities should put in place arrangements which deal with when public inspection and parish or town council notifications will occur. This will usually be when the written summary is eventually given to the subject member during the

investigation process. In addition, authorities must have regard to their requirements under Freedom of Information and Data Protection legislation.

Withdrawing complaints

There may be occasions when the complainant asks to withdraw their complaint prior to the assessment sub-committee having made a decision on it. In these circumstances, the assessment sub-committee will need to decide whether to grant the request. The following considerations will be applied:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it?
- Is the complaint such that action can be taken on it, for example an investigation, without the complainant's participation?
- Is there an identifiable underlying reason for the request to withdraw the complaint? For example, is there information to suggest that the complainant may have been pressured by the subject member, or an associate of theirs, to withdraw the complaint?

Multiple and vexatious complaints

The Council may receive a number of complaints from different complainants about the same matter. A number of complaints about the same matter may be considered by the assessment sub-committee at the same meeting. If so, an officer should be asked to present one report and recommendation that draws together all the relevant information and highlights any substantively different or contradictory information. However, the assessment sub-committee must still reach a decision on each individual complaint and follow the notification procedure for each complaint.

Unfortunately, a small number of people abuse the complaints process. The Council reserves the right to take appropriate action in these cases: for example, limiting an individual's contact with the authority.

However, standards committees must consider every new complaint that they receive in relation to the Code of Conduct. If the standards committee has already dealt with the same complaint by the same person and the monitoring officer does not believe that there is any new evidence, then a complaint will not be considered. A person may make frequent allegations about members, most of which may not have any substance. Despite this, new allegations will be considered if they contain a complaint that requires some action to be taken. Vexatious or persistent complaints or complainants can usually be identified through the following patterns of behaviour, which may become apparent in the complaints process:

- repeated complaints making the same, or broadly similar, complaints against the same member or members about the same alleged incident
- use of aggressive or repetitive language of an obsessive nature
- repeated complaints that disclose no potential breach of the Code where it seems clear that there is an ulterior motive for a complaint or complaints
- where a complainant refuses to let the matter rest once the complaints process (including the review stage) has been exhausted

Malicious or tit-for-tat complaints are unlikely to be investigated unless they also raise serious matters.

Case history

Documents that relate to complaints that the assessment sub-committee decided not to investigate will be kept for a minimum of 12 months after the outcome of any review that has been concluded. This is in case of legal challenges, and also in order to meet the Standards Board for England's monitoring requirements. Documents that relate to complaints the subject of any hearing or further action will be retained in accordance with the authority's file retention policy and in accordance with the principles of data protection. Old cases may be relevant to future complaints if they show a pattern of behaviour. The Council will identify complaints about the same matter that have already been considered by the standards committee.

Confidentiality

As a matter of fairness and natural justice, a member should usually be told who has complained about them. However, there may be instances where the complainant asks for their identity to be withheld. Such requests should only be granted in exceptional circumstances and at the discretion of the assessment sub-committee. The assessment sub-committee will consider the request for confidentiality alongside the substance of the complaint itself.

The criteria by which the assessment sub-committee will consider requests for confidentiality are set out in the attached form "Criteria for considering requests for confidentiality":

In certain cases, such as allegations of bullying, revealing the identity of the complainant may be necessary for investigation of the complaint. In such cases the complainant may also be given the option of requesting a withdrawal of their complaint.

When considering requests for confidentiality, the assessment sub-committee will also consider whether it is possible to investigate the complaint without making the complainant's identity known. If the assessment sub-committee decides to refuse a request by a complainant for confidentiality, it may wish to offer the complainant the option to withdraw, rather than proceed with their identity being disclosed. In certain circumstances, the public interest in proceeding with an investigation may outweigh the complainant's wish to have their identity withheld from the subject member. The assessment sub-committee will decide where the balance lies in the particular circumstances of each complaint.

Anonymous complaints

Anonymous complaints will be dealt with on their merits, but will not normally be proceeded with unless the complaint includes documentary or photographic evidence indicating an exceptionally serious or significant matter.

Members with conflicts of interest

A member of the standards committee who was involved in any of the following decisions can be a member of the committee that hears and determines the complaint at the conclusion of an investigation:

- the initial assessment decision
- a referral back for another assessment decision
- a review of an assessment decision

Limits of Assessment

The assessment decision relates only to whether the complaint discloses something that needs to be investigated or referred for other action. It does not determine whether the conduct took place or whether it was a breach of the Code. The standards committee hearing the case will decide on the evidence before it as to whether the Code has been breached and, if so, if any sanction should apply. The assessment process will be conducted with impartiality and fairness.

Complaints about members of more than one authority

The introduction of the local assessment of complaints may raise an issue relating to what should happen if a complaint is made against an individual who is a member of more than one authority – often known as a dual-hatted member. In such cases, the member may have failed to comply with more than one authority's Code of Conduct.

Where a complaint is received about a dual-hatted member, the monitoring officer of the authority will check if a similar allegation has been made to the other authority, or authorities, on which the member serves. Decisions on which standards committee should deal with a particular complaint will then be taken by the standards committees themselves, following discussion with each other. They may take advice as necessary from the Standards Board for England.

PROCEDURE FOR LOCAL STANDARDS HEARING

1. Interpretation

- 1.1 'Councillor' means the member of the Council who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's nominated representative.
- 1.2 'Investigating Officer' means the Ethical Standards Officer (ESO) who referred the report to the Council and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer and his or her nominated representative).
- 1.3 'The matter' is the subject matter of the Investigating Officer's report.
- 1.4 'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- 1.5 'The Committee Support Officer' means an officer of the Council responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- 1.6 'Legal Adviser' means the Officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified Officer of the Council, or someone appointed for this purpose from outside the Council.
- 1.7 'The Chairman' refers to the person presiding at the hearing.

2. Modification of Procedure

- 2.1 The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

3. Representation

- 3.1 The Councillor may be represented or accompanied during the meeting by a Solicitor, Counsel or, with the permission of the Committee, another person. Note that the cost of such representation must be met by the Member.

4. Pre-hearing Procedure (ESO's Report)

- 4.1 Upon reference of a matter from an Ethical Standards Officer for local determination following completion of the Ethical Standards Officer's report, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;

- (b) Send a copy of the report to the Councillor and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;
- (d) Notify the Parish or Town Council of the matter and of the date, time and place of the hearing;
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Ethical Standards Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing and if so to arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address and
- (h) Arrange that the agenda for the Hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All Members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation and
 - (iv) The Investigating Officer.

5. **Pre-Hearing Process (Local Investigation)**

- 5.1 Upon receipt of the final report of the Investigating Officer including a finding that the Councillor failed to comply with the Code of Conduct for Members or the Standards Committee finds that the matter should be considered at a formal hearing, the Monitoring Officer shall:
- (a) Arrange a date for the Standards Committee's hearing;
 - (b) Send a copy of the report to the Councillor and advise him of the date, time and place for the hearing;
 - (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;

- (d) Notify the Parish or Town Council of the matter and of the date, time and place of the hearing;
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing and if so to arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All Members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation and
 - (iv) The Investigating Officer.

6. **Legal Advice**

- 6.1 The Standards Committee may take legal advice from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the Member and the Investigating Officer if they are present.

7. **Setting the Scene**

- 7.1 At the start of the hearing, the Chairman shall introduce each of the Members of the Standards Committee, the Member (if present), the Investigating Officer (if present) and any other Officers present and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

8. **Preliminary procedural issues**

- 8.1 The Standards Committee shall then deal with the following preliminary procedural matters in the following order:-

Disclosure of interest

- 8.2 The Chairman shall ask Members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter and to withdraw from consideration of the matter if so required.

Quorum

- 8.3 The Chairman shall confirm that the Standards Committee is quorate. For these purposes a meeting of the Standards Committee is not quorate unless at least three Members of the Standards Committee are present for the duration of the meeting. The three Members must include at least one Independent Member, unless an Independent Member would have been present but was precluded from participating in any of the business of the Standards Committee in consequence of a prejudicial interest under the Council's Code of Conduct. If the Standards Committee is responsible for Parish Council matters, it must include at least one Parish Council representative amongst its Members. However, it is only a requirement that the Parish representative is actually present when the Standards Committee is dealing with a Parish matter. Parish Sub-Committees, convened to deal with a Parish matter, must have a Parish representative as a Member of the Sub-Committee, but there is not requirement for him/her actually to attend the meeting for it to be quorate.

Hearing Procedure

- 8.4 The Chairman shall confirm that all present know the procedure which the Standards Committee will follow in determining the matter.

Proceeding in the absence of the Member

- 8.5 If the Councillor is not present at the start of the hearing:
- (i) the Chairman shall ask the Monitoring Officer whether the Councillor has indicated his/her intention not to attend the hearing;
 - (ii) the Standards Committee shall then consider any reasons which the Councillor has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
 - (iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
 - (iv) if the Standards Committee is not satisfied with such reasons, or if the Councillor has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Councillor or to adjourn the hearing to another date.

Exclusion of Press and Public

- 8.6 The Standards Committee may exclude the press and public from its consideration of this matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

- 8.7 The Chairman shall ask the Councillor, the Investigating Officer and the legal adviser to the Standards Committee whether they wish to ask the Standards Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.
- 8.8 Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

9. **A failure to comply with the Code of Conduct**

- 9.1 The Standards Committee will then address the issue of whether the Councillor failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report. It should be noted that the Standards Committee's consideration is limited to a possible failure to comply with the Code of Conduct in the terms set out in the Investigating Officer's report. It is possible that, in the course of their consideration, the Standards Committee apprehend that the Councillor may have failed to comply with the Code of Conduct in some other manner (for example that the Councillor's alleged failure to treat a person with respect appears also, or in the alternative, to be conduct likely to bring the Councillor's Office or Authority into disrespect). It may be that such a possible additional or alternative failure will not be within the remit of the Standards Committee as, at that stage, the Councillor will not have had notice of the Standards Committee's consideration of the possible additional or alternative failure and that it would therefore be unfair to proceed to consider that second matter at the hearing into the first alleged failure. Where the Standards Committee do apprehend a possible additional or alternative failure, a failure by a different Councillor, or a failure in respect of the code of conduct of another Authority, they should refer the second matter to the Monitoring Officer with a view to a separate allegation being made to the Standards Board for England.
- 9.2 The Chairman shall ask the Councillor to confirm that he/she maintains the position as set out in the pre-hearing summary.

The Pre-Hearing Process Summary

- 9.3 The Chairman will ask the legal adviser or the Committee Support Officer to present his/her report, highlighting any points of difference in respect of which the Councillor has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Councillor to confirm that this is an accurate summary of the issues and ask the Councillor to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.
- 9.4 If the Councillor admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then make a determination that the Councillor has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken.

- 9.5 If the Councillor identifies additional points of difference, the Chairman shall ask the Councillor to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Councillor's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Councillor to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Councillor did not identify a point of difference as part of the pre-hearing process. Alternatively it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

Presenting the Investigating Officer's report

- 9.6 If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Councillor and why he/she concluded, on the basis of his/her findings of fact, that the Councillor has failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
- 9.7 If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw their attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- 9.8 No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or evidence of each witness, the Chairman shall ask the Councillor if there are any matters upon which the Standards Committee should seek the advice of the Investigating Officer or the witness.

THE COUNCILLOR'S RESPONSE

- 9.9 The Chairman shall then invite the Councillor to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- 9.10 No cross-examination shall be permitted but, at the conclusion of the Councillor's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the advice of the Councillor or the witness.

Witnesses

- 9.11 The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Councillor or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the Code of Conduct.
- 9.12 Any member of the Standards Committee may address questions to the Investigating Officer, to the Councillor or to any witness.

ADDITIONAL EVIDENCE

- 9.13 At the conclusion of the evidence, the Chairman shall check with the members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.
- 9.14 If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee.

Determination as to whether there was a failure to comply with the Code of Conduct

- 9.15 At the conclusion of the Councillor's response, the Chairman shall ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigating Officer's report.
- 9.16 Unless the determination merely confirms the Councillor's admission of a failure to comply with the Code of Conduct (as set out above), the Standards Committee shall then retire to another room to consider in private whether the Councillor did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
- 9.17 The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
- 9.18 The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Councillor or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any information, it may adjourn and instruct an officer or request the Councillor to produce such further evidence to the Standards Committee.
- 9.19 At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Councillors.

9.20 The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Councillor failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

10. **If the Councillor has not failed to follow the Code of Conduct**

10.1 If the Standards Committee determines that the Councillor has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report the following action then ensues:

- (a) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Councillor has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the Standards Board of England.
- (b) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the legal adviser before the Standards Committee finalises any such recommendations.
- (c) Finally, the Chairman should ask the Councillor whether he/she wishes the authority not to publish a statement of its finding in a local newspaper.

11. **Action consequent upon a failure to comply with the Code of Conduct**

11.1 The Chairman shall ask the Investigating Officer (if present, or otherwise the legal adviser) whether, in his/her opinion, the Councillor's failure to comply with the Code of Conduct is such that the Standards Committee should impose a sanction and, if so, what would be the appropriate sanction. The sanctions which are available to the Standards Committee under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, Regulation 7, as amended by the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 are any of the following:

- (i) censure of that Member;
- (ii) restriction for a maximum period of three months of that Member's access to the premises of the Council and that Member's use of the resources of the Council, provided that such restrictions imposed upon the Member -
 - (aa) are reasonable and proportionate to the nature of the breach; and
 - (bb) do not unreasonably restrict the Member's ability to perform his functions and duties as a Member
- (iii) partial suspension of that Member for a period up to a maximum of three months;
- (iv) suspension of that Member for a period up to a maximum of three months;

- (v) a requirement that that Member submit a written apology in a form specified by the Standards Committee;
- (vi) a requirement that that Member undergo training as specified by the Standards Committee;
- (vii) a requirement that that Member undergo conciliation as specified by the Standards Committee;
- (viii) partial suspension of that Member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee
- (ix) partial suspension of that Member for a period up to a maximum of three months or until such time as he undergoes such training or conciliation as the Standards Committee may specify;
- (x) suspension of that Member for a period up to a maximum of three months or until such time as he submits a written apology in a form specified by the Standards Committee;
- (xi) suspension of that Member for a period up to a maximum of three months or until such time as he undergoes such training or conciliation as the Standards Committee may specify.

Any sanction imposed shall commence immediately unless the Standards Committee direct (for any sanction other than censure) that it shall commence on any date specified by the Standards Committee within six months of the date of the hearing.

- 11.2 The Chairman will then ask the Councillor to respond to the Investigating Officer's advice.
- 11.3 The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- 11.4 Any member of the Standards Committee may address questions to the Investigating Officer or to the Councillor as necessary to enable him/her to take such an informed decision.
- 11.5 The Chairman should then set out any recommendations which the Standards Committee is minded to make to the Council with a view to promoting high standards of conduct among Councillors and seek views of the Councillor, the Investigating Officer and the legal adviser.
- 11.6 The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations which the Standards Committee will make to the Council.
- 11.7 At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decision as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with

the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the Council.

12. **Reference back to the Ethical Standards Officer**

- 12.1 If, at any time before the Standards Committee has determined upon any appropriate sanction, the Standards Committee considers that the nature of the failure to comply with the Code of Conduct for Members is such that the appropriate sanction would exceed the powers of the Standards Committee, the Standards Committee may instruct the Monitoring Officer to request the Ethical Standards Officer to resume responsibility for the conduct of the matter, and may adjourn the hearing until the Monitoring Officer advises the Standards Committee of the Ethical Standards Officer's response to such a request.

13. **The close of the hearing**

- 13.1 The Standards Committee will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Councillor as soon as practicable after the close of the hearing.
- 13.2 The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing.
- 13.3 Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) in accordance with Regulation 8 of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

14. **Appeals**

- 14.1 The Councillor may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for England, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision.

FOREST HEATH DISTRICT COUNCIL

STANDARDS COMMITTEE HEARING

STANDARDS COMMITTEE HEARING – PROCEDURAL NOTES

1. Introduction

- 1.1 Legal Adviser to confirm meeting quorate
- 1.2 Chairman to introduce Members, etc. Other parties to introduce themselves
- 1.3 Chairman to outline procedure

2. Preliminary Matters

- 2.1 Declaration of Interests
- 2.2 Apologies
- 2.3 Decide whether to proceed in Councillor's absence (if necessary)

3. Consider the exclusion of the Press and Public

- 3.1 Representations from Councillor/their representative and Investigating Officer
- 3.2 Committee to make decision on grounds specified

4. Making findings of fact

- 4.1 Are there any disagreements about the facts?
 - 4.1.2 If NO confirm this and proceed to point 5
 - 4.1.3 If YES proceed to 4.2
- 4.2 Process for findings of fact
 - 4.2.1 Investigating Officer to present report and call witnesses (if any). In relation to each witness called the following procedure will be adopted:-
 - Questions from the Investigating Officer
 - Cross examination by Councillor/their representative
 - Further questions from the Investigating Officer
 - Questions from Members
 - 4.2.2 Councillor/their representative to present report and call witnesses. In relation to each witness called, the following procedure will be adopted:-
 - Questions from the Councillor/their representative
 - Cross examination by the Investigating Officer
 - Further questions from the Councillor/their representative
 - Questions from Members

- 4.2.3 Committee to retire to make decision
- 4.2.4 Committee returns to announce decision

5. Did the Councillor fail to follow the Code?

- 5.1 Process for considering whether or not there has been a failure to follow the code
 - Consider representations from the Councillor/their representative
 - Investigating Officer has opportunity to question Councillor's representations
 - Members have opportunity to question Councillor's representations
 - Consider representations from the Investigating Officer
 - Councillor's opportunity to question representations from Investigating Officer
 - Members opportunity to question representations from Investigating Officer
 - Councillor/their representative to have final say
- 5.2 Committee to retire to make decision as to whether or not Councillor failed to follow code
- 5.3 Committee returns to announce their decision.
 - 5.3.1 If no breach consider any recommendations to the Council
 - 5.3.2 If breach proceed to point 6

6. Consider the appropriate Sanction(s)

- 6.1 Process to consider sanction(s)
 - Consider representations from the Investigating Officer and the Councillor/their representative
 - Opportunity for Committee to question each side
- 6.2 Committee to retire to consider decision
- 6.3 Committee returns to announce decision

7. Consider recommendations to Council concerned

8. Post Hearing

- 8.1 Committee to prepare a short written decision to be signed by the Chairman
- 8.2 Full written decision to be prepared and signed by the Chairman at the earliest opportunity
- 8.3 Decision to be reported to all interested parties
- 8.4 Summary to be published in local press

FOREST HEATH DISTRICT COUNCIL

PROTOCOL FOR THE USE OF RESOURCES BY COUNCILLORS

Introduction

1. The purpose of this protocol is to provide a guide to the use of Council resources by Councillors.

Resources Provided to Councillors

2. The Council provides a range of facilities to support Councillors, including stationery, postage, photocopying, an email address and officer support to enable Councillors to carry out their duties as a Councillor.
3. Councillors, or anyone authorised by them, may only use these resources for Council business, such as correspondence relating to Council business or services or replying to letters from local residents.
4. The use of any Council resources for political purposes or election purposes would be a breach of the Council's Members' Code of Conduct unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the Member has been elected or appointed.
5. Provided that they are not in connection with political purposes, Councillors may make private telephone calls and use copiers for private copying in accordance with charges set by the Council from time to time.
6. Councillors are provided with an official Council email address for use as part of their duties as a Councillor. This email address may not be used for any political purpose unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.
7. The email address should not be used in any ward newsletters which contain election material or which are distributed during any election period (which runs from the publication of the notice of election to the close of the polls).
8. Councillors supplied with a Council computer and internet connection facilities must sign the Council's standard agreement for the use of such IT equipment and services.

Breach of this protocol

9. Failure to comply with the requirements for the use of Council resources as set out in this protocol will be a breach of the Council's Members' Code of Conduct.

FOREST HEATH DISTRICT COUNCIL

DEVELOPMENT CONTROL COMMITTEE - DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in term of overall impact/harm to the planning policy framework, having sought advice from the Assistant Director (Planning and Regulatory) and the Assistant Director (HR, Legal and Democratic Services) (or Officers attending Committee on their behalf):

- A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory)
 - delegate the detailed wording and reason to the Assistant Director (Planning and Regulatory) following consultation with the Chair and Vice Chair of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.



Forest Heath

District Council

PROTOCOL

for the recording of Cabinet Committee and Council meetings
(including audio recordings and Committee Administrator's notes)

Adopted July 2005

Amended May 2005

Amended May 2009

PROTOCOL FOR THE RECORDING OF CABINET COMMITTEE AND COUNCIL MEETINGS (INCLUDING AUDIO RECORDINGS AND COMMITTEE ADMINISTRATOR'S NOTES)

LEGAL REQUIREMENTS

Pursuant to the Local Government Act 1972 the Council is legally required to produce minutes of its meetings and once subsequently confirmed as a true record by the subsequent cabinet or committee meeting and Council alike, these minutes become the official record of the meeting in question. These minutes shall then be open for public inspection for six years commencing with the date of the meeting. If the minutes contain exempt information, a written summary of the minutes shall be produced without disclosing the said exempt details.

The Council's policy is that save for the above legal requirements there will be no other record retained of the meetings which could cast any doubt on the accuracy of the official record. For the avoidance of doubt once the minutes are approved as a correct and true record any Committee Administrator notes shall then be destroyed; these notes are in any event not an official record of the meeting but simply an aide-memoire for the benefit of the Officer preparing the minutes.

INSTALLATION OF AUDIO-VISUAL SYSTEM

The Council has approved the installation of an audio-visual system within the Council Chamber which will facilitate the provision of hard disk recordings of proceedings. Whilst there is no obligation to do so the Council will record the proceedings and take possession of the sole copy recording immediately at the end of the meeting.

An exception to the 'Protocol for the Recording of Cabinet, Committee and Council Meetings (including audio recordings and committee administrator's notes)' be granted to

enable the Cabinet and the Overview and Scrutiny Committee to hold occasional/special meetings out in the community, in line with best practice.

The purpose of the recordings is to confirm a procedural point or a precise wording during preparation of the minutes, alongside the Committee Administrator's notebook. Once the minutes, which are the legally required record of the meeting, are approved, the recording will be retained for a further 12 months solely to determine a complaint to the Council's Standards Committee or the Standards Board for England. A separate procedure will be in place determining responsibility for the operation of the recording machine, custody of the tapes and subsequent security/destruction.

The public has a simple legal right of access to viewing the minutes of a meeting and to view these as the official record of that meeting. All requests by the public to listen or view the recordings prior to their destruction shall be refused, as will the policy to view the Committee Administrator's personal notes.

In the event of a query arising before approval of the minutes by Members which shows a genuine need to clarify any points or matters the Chief Executive or a Director will authorise the preparation of a transcript for the relevant part of the meeting. The approval of the minutes will then be held over to the next appropriate meeting and the recording for that meeting then retained and ultimately destroyed in accordance with this Protocol. The form at Appendix 1 will be used to request the preparation of a transcript.

On a Member's request to the Chief Executive or a Director to hear a recording on the form laid down, the Chief Executive or Director will arrange a time and place for the recording to be heard. In attendance will be the Committee Administrator who clerked the meeting in question or another Committee Administrator if not available.

- Any Member may hear a recording of public information from a meeting held in public.
- Only a Member of the Cabinet or Committee who attended the meeting in question may hear a recording of exempt or confidential information from a meeting held after exclusion of the public.
- The Member may request another Member who meets the requirements above to be present when the recording is heard.

Under no circumstances will the recording leave the building unless under authority given by full Council.

For clarification purposes this Protocol shall likewise also apply to the minutes of sub-committees and working groups of both Council and Cabinet.

IT WILL CONTINUE TO BE THE PRACTICE THAT MEMBERS DO NOT HAVE ACCESS TO OFFICERS' PERSONAL NOTES OF MEETINGS AFTER APPROVAL OF THE MINUTES.

July 2005
DWB/JO/3.9.47
Amended May 2006
DWB/PAH/3.9.47
Amended 13 May 2009
DWB/PAH/3.9.47

Amended 9 May 2012



Forest Heath
District Council

RECORDING OF MEETINGS

**TERMS FOR OBTAINING ACCESS TO TRANSCRIPT OR RECORDINGS FOR
MEMBERS OF THE COUNCIL**

1. Requests shall be in writing to the Chief Executive or Director using the form overleaf which should clearly refer to the relevant part of the proceedings required.
2. Members shall have regard to their obligations under this Council's Code of Conduct for the time being adopted under Section 51 of the Local Government Act, 2000, when giving a reason(s) for their request.
3. Recordings will only be made available if the portion of the proceedings asked for is 15 minutes or less in duration, as it is time consuming to make longer extracts available.
4. NOTE: Given the work pressures within the Committee Section and the Council generally it may not always be possible to meet Members' wishes by the date requested.
5. Members shall not make further copies of any recording.
6. Recordings will not be taken from the District Offices.
7. Members will only hear a recording in the presence of the Committee Administrator who clerked the meeting or a substitute if not available.

FOR OFFICE USE (Committee Section)

Date Recording played



Forest Heath
District Council

To the: Chief Executive/ Director
Forest Heath District Council
District Offices
College Heath Road
Mildenhall
Suffolk IP28 7EY

PLEASE COMPLETE IN CAPITAL LETTERS,
EXCEPT WHEN SIGNING

Name of Member:

Address of Member:

Daytime Tel. No.

**REQUEST TO HEAR RECORDING OF PART OF MEETING OR TO HAVE A
TRANSCRIPT**

I hereby request the following:

- (a) a transcript
- (b) to hear the recording

(delete as appropriate)

Meeting

Date

Part required
(please specify as
precisely as possible)
Reason(s) for request to
clarify minutes

Date transcript required, if
possible

I have read and understand the Protocol and terms overleaf and agree that the provisions of Forest Heath District Council's Code of Local Government conduct for the time being adopted under Section 51 of the Local Government Act 2000, shall apply in relation to the contents of any item received in response to this request, as they apply to all other aspects of my duties as a Member of this Council.

Signed:.....

Date:.....

FOREST HEATH DISTRICT COUNCIL

PROTOCOL FOR PUBLIC PARTICIPATION AT COUNCIL, COMMITTEE AND SUB-COMMITTEE MEETINGS (EXCLUDING DEVELOPMENT CONTROL COMMITTEE AND CABINET)

1. Members of the public are invited to put questions/statements of not more than three minutes duration relating to items to be discussed in the public part of the agenda at meetings of the Council, Committees and Sub-Committees (other than the Development Control Committee). The three minutes may be extended at the sole discretion of the Chairman of the Council, Committee or Sub-Committee, as the case may be.
2. A decision must be made as to whether those wishing to participate should speak from the public gallery or be allowed to sit downstairs. Seating downstairs will only be available if persons make it known in advance that they wish to speak and in all cases for people with disabilities.
3. The Chairman will invite speakers in the order that he/she wishes. Representatives of the press are considered to be members of the public and may also participate.
4. Speakers may speak on more than one item on the agenda and may ask a supplementary question or make a further comment on an item at the discretion of the Chairman (subject to the three minute rule mentioned in paragraph 1. above).
5. The Chairman will decide who shall reply to a question or comment on a statement if appropriate.
6. It should be remembered that questions do not have to be answered immediately. They can be noted and answers sent later in writing.
7. The Chairman must ensure that debate does not start on an item at this point on the agenda. Points made should be noted for when the item is discussed later on the agenda.
8. The Chairman has discretion to limit the number of speakers and the time taken for questions/statements if it appears that time wasting and/or repetition is taking place or where there are a large number of people wanting to speak.
9. The Council has a complaints procedure which is available from the Council Offices, by telephoning the Council or upon request from any of the officers named in the Constitution.

Explanation of the words we have used

Committee Section

Officers working in the Committee Section make arrangements for committee meetings.
Telephone: 01638 719362.

Delegated Powers

The majority of planning and related applications are determined under delegated powers by the Development Control Manager without having to refer them matter to the Development Control Committee for a decision. The government expects at least 90% of applications to be determined this way.

Development Control Committee

The Development Control Committee meets approximately every 4 weeks and makes decisions about planning applications and related matters.

Forest Heath Local Plan

This plan provides a framework for development and conservation in the district, showing where land can be used for housing, employment, recreation etc.

Full Council

The Full Council meets to consider reports from all the Committees. In most cases, the Committees make decisions themselves but sometimes a matter is referred to Full Council with a recommendation.

Planning & Development Control Officers

Planning officers responsible for dealing with planning applications work in the Development Control section. Telephone: 01638 719480.
Planning officers dealing with planning policy work in the Forward Planning section.
Telephone: 01638 719260.

Structure Plan

This plan covers the whole county and provides a strategic framework covering the way land should be used, highways etc.

District Councillor

There are 27 ward Councillors representing the 14 wards of the Forest Heath District. Not all of them sit on the Development Control Committee. To find out who your councillor is or the membership of the Development Control Committee ask for a leaflet or ring Forest Heath District Council on 01638 719000.

FOREST HEATH DISTRICT COUNCIL

RIGHTS OF THE PUBLIC RELATING TO ACCESS TO INFORMATION

These rules apply to all meetings of the Council, Committees, Sub-Committees and the Standards Committee (together called meetings). Access to Information rules relating to meetings of the Cabinet are set out in previous Articles of the Constitution.

ADDITIONAL RIGHTS TO INFORMATION

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

RIGHTS TO ATTEND MEETINGS

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

NOTICES OF MEETING

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Council's designated office.

ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

SUPPLY OF COPIES

The Council will supply copies of:

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

ACCESS TO MINUTES ETC AFTER THE MEETING

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

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

BACKGROUND PAPERS

7.1 List of background papers

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

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information.

7.2 Public inspection of background papers

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

SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council's offices.

EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS (SEE ALSO EXCLUSION OF PRESS AND PUBLIC - ISSUES FOR CONSIDERATION LATER)

9.1 Confidential information – requirement to exclude public

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

9.2 Exempt information – discretion to exclude public

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

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

9.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

9.4 Meaning of exempt information

Exempt information means information falling within the categories set out below (as qualified) and satisfying the public interest test described at the foot of the table.

Category	Qualification
1. Information relating to any individual	None
2. Information which is likely to reveal the identity of an individual	None
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within this paragraph is not exempt information if it is required to be registered under- (a) the Company Act 1985; (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978; (e) the Building Societies Act 1986; or (f) the Charities Act 1993 "financial or business affairs" includes contemplated, as well as past or current, activities
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	"labour relations matter" means- (a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or (b) any dispute about a matter falling within paragraph (a) above "employee" means a person employed under a contract of service" "office-holder", in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds

Category	Qualification
	any such office or is an employee of the authority”
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	None
6. Information which reveals that the authority proposes- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment	None
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime	None

All information that falls within category 1 to 7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Information falling within any of these paragraphs is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992 (SI 1992/1492). See also the definitions of “the authority” in Part 3 of Schedule 12A.

EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

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

THE STANDARDS COMMITTEE

There are special rules which apply to meetings of the Standards Committee under the Relevant Authorities (Standards Committee) Regulations 2001 SI 2812, which enable matters to be dealt with in private at meetings of the Council’s Standards Committee. Similarly, documentation does not need to be made available to the press and public; though reports to full Council from the Standards Committee will fall within the general access to information rules.

THE FREEDOM OF INFORMATION ACT 2000

Under the Freedom of Information Act 2000 anyone can ask the Council for information which it holds. A great deal of routine information about Forest Heath and our services can be given directly in response to telephone calls and letters. A specific request must include your name and an address where we can reply to you. An e mail address is sufficient.

To help you, we have compiled a Publication Scheme. This is a list of everything we publish, and any prices that may apply. Our current scheme can be downloaded from our website or you can ask for a paper copy

You should receive the information in four weeks (20 Working Days). If we are unable to provide the information (or part of it), we will explain why. The Council may decline your request, if the information you are seeking is within an exemption under the Freedom of Information Act.

Find out more about Freedom of Information at the website of the Information Commissioner at www.informationcommissioner.gov.uk or contact our Freedom of Information Coordinator on 01638 719000.

FOREST HEATH DISTRICT COUNCIL

EXCLUSION OF PRESS AND PUBLIC - ISSUES FOR CONSIDERATION

1. At the meeting, Members will consider as a preliminary point whether to exclude the press and public from the meeting, or any part of the meeting.
2. The Members must act in accordance with Article 6 of the European Convention on Human Rights (ECHR) which was brought into effect in this country by the Human Rights Act 1998. Article 6 gives a right to a fair and public hearing by an independent and impartial tribunal. It provides that judgement shall be pronounced publicly, but that the press and public may be excluded from all or part of the "trial" in the interests of:
 - a. morals
 - b. public order
 - c. national security in a democratic society
 - d. where the interests of juveniles or the protection of the private life of the parties so require, or
 - e. in special circumstances where publicity would prejudice the interests of justice.

Accordingly, the presumption is in favour of a public hearing unless either the Councillors or the Officers can demonstrate over-riding reasons within one of these five headings above for the press and public to be excluded.

3. Article 8 of the ECHR provides that everyone has the right to respect for their private and family life, home and correspondence. It provides that there shall be no interference by a public authority (such as the Council) with the exercise of this right except such as is:
 - a. in accordance with the law (such as the requirements for publication of the agenda, reports and background papers set out in Section 100A to 100K of the Local Government Act 1972), and
 - b. necessary in a democratic society in the interests of:
 - i. national security
 - ii. public safety
 - iii. the economic well-being of the country
 - iv. the prevention of crime or disorder
 - v. the protection of health and morals (which would include the protection of standards of conduct in public life), or
 - vi. the protection of the rights and freedoms of others.

There is a clear public interest in promoting the probity of public authorities and public confidence therein, so that the presumption of a public hearing set out in Article 6 would appear to come within the exception set out in paragraph b.v. above, unless either the Officers or the Councillors demonstrate to the meeting's satisfaction that a public hearing is not necessary for that purpose and that the

interest of protecting the privacy of the Councillor or of the authority should override that public interest.

4. Where the Members conclude that the interest of protecting the privacy of the Councillor or of the authority should override the public interest in a public hearing, the Members remain bound by the provisions of the Local Government Act 1972, as primary legislation. Accordingly the press and public may only be excluded from all or part of the meeting if the meeting is satisfied that admitting the press and public would be likely to lead to disclosure of exempt information. In that case the meeting has a discretion under Section 100A(4) of the Local Government Act 1972, and would need to resolve whether or not to exclude the press and public.
5. Where the meeting does not resolve to exclude the press and public from the meeting, the Proper Officer will then be required to provide copies of the agenda and reports to the press and public and other members of the authority, and to permit inspection of any background papers if so required.

FOREST HEATH DISTRICT COUNCIL

DECISION MAKING PRINCIPLES

Good decision making goes beyond observing the often rehearsed legal requirements to have regard to all relevant considerations and ignore all irrelevant factors set out in **Associated Provincial Picture Houses v Wednesbury Corporation [1948] 1KB223**. It involves the realistic evaluation of alternatives and due consultation through effective access for the public to decision making and decision makers.

A range of people and bodies may take binding decisions on behalf of the Council, including Committees and Sub-Committees which act on Officer reports or Officers who operate under delegated authority. It is outside the scope of this document to attempt to prescribe an exhaustive list of principles which the Council should observe when making decisions. However decision-makers should follow the principles of decision-making contained in paragraph 7.3 of the DETR Guidance:

- (i) proportionality (i.e. the action must be proportionate to the desired outcome);
- (ii) due consultation and the taking of professional advice from Officers;
- (iii) respect for human rights;
- (iv) a presumption in favour of openness; and
- (v) clarity of aims and desired outcomes.

In certain types of decisions it may also be necessary to state what options were considered and to give reasons for the decision.

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

Many of the licensing and enforcement functions of ordinary Committees will entail them acting in a quasi judicial capacity. Standards Committees may also need to be particularly aware of these issues. The principles of natural justice would need to be followed in these cases along with any special rules which may be applicable. A fair procedure must be followed, which is free from bias. Justice must not only be done it must be seen to be done.

Councils should give particular consideration to ways in which human rights can be considered at an early stage in the decision making process.

TERMS OF INDEMNITY FOR COUNCILLORS AND OFFICERS

1. The Forest Heath District Council will, subject to the exceptions set out below, indemnify each of its councillors and officers against any loss or damage suffered by the councillor or officer arising from his/her action or failure to act in his/her capacity as a councillor or officer of the Council. In this indemnity the term "councillor" includes co-opted members of the Standards Committee.

This indemnity will not extend to loss or damage directly or indirectly caused by or arising from:

- 1.1 any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the councillor or officer;
 - 1.2 any act or failure to act by the councillor or employee otherwise than in his/her capacity as a councillor or officer of the Council, or
 - 1.3 failure by the councillor to comply with the Council's Code of Conduct for Councillors.
2. The Council will, subject to the exceptions set out below, indemnify each of its councillors and officers against the reasonable costs which he/she may incur in securing appropriate legal advice and representation in respect of any civil or criminal proceedings or Part 3 proceedings to which he/she is subject.
 - 2.1 "Criminal proceedings" includes any interview or investigation by the Police, and any proceedings before a criminal court, in the United Kingdom.
 - 2.2 "Part 3 proceedings" means any investigation or hearing in respect of an alleged failure to comply with the Council's Code of Conduct for Councillors under Part 3 of the Local Government Act 2000.
 - 2.3 This indemnity will not extend to Part 3 proceedings where the allegation has been referred to the Monitoring Officer for local investigation and/or determination by the Council's Standards Committee.
 - 2.4 This indemnity shall not extend to any advice or representation in respect of any claim or threatened claim in defamation by or against the councillor or officer.
 - 2.5. Where any councillor or officer avails him/herself of this indemnity in respect of defending him/herself against any criminal proceedings or Part 3 proceedings, the indemnity is subject to a condition that if, in respect of the matter in relation to which the councillor or officer has made use of this indemnity –
 - 2.5.1 the councillor or officer is convicted of a criminal offence in consequence of such proceedings, or
 - 2.5.2 a Case Tribunal or the Council's Standards Committee determine that the councillor has failed to comply with the Code of Conduct for Councillors and the conviction or determination is not overturned on

appeal, the councillor shall reimburse the Authority for any sums expended by the Authority pursuant to the indemnity.

- 2.6 Where the Council arranges insurance to cover its liability under this indemnity, the requirement to reimburse in Paragraph 2.5 shall apply as if references to the Authority were references to the Council's insurer.
3. For the purpose of these indemnities, a loss or damage shall be deemed to have arisen to the councillor or officer "in his/her capacity as a councillor or officer of the Authority" where:
- 3.1 The act or failure to act was outside the powers of the Council, or outside the powers of the councillor or officer, but the councillor or officer reasonably believed that the act or failure to act was within the powers of the Council or within the powers of the councillor or officer (as appropriate) at the time that he/she acted or failed to act, as the case may be;
- 3.2 The act or failure to act occurred not in the discharge of the functions of the councillor or officer as a councillor or officer of the Council but in their capacity as a councillor or employee of another organisation, where the councillor or officer is, at the time of the action or failure to act, a councillor or employee of that organisation either –
- 3.2.1 in consequence of his/her appointment as such councillor or officer of that organisation by the Council; or
- 3.2.2 in consequence of his/her nomination for appointment as such councillor or officer of that organisation by the Council; or
- 3.2.3 where the Council has specifically approved such appointment as such a councillor or employee of that organisation for the purpose of these indemnities.
4. The Council undertakes not to sue (or join in action as co-defendant) an officer of the Council in respect of any negligent act or failure to act by the officer in his/her capacity as an officer of the Council, subject to the following exceptions:
- 4.1 Any criminal offence, fraud or other deliberate wrongdoing or recklessness on the part of the officer; or
- 4.2 Any act or failure to act by the officer otherwise than in his/her capacity as a councillor or officer of the Council.
5. These indemnities and undertaking will not apply if a councillor or officer, without the express permission of the Council or of the appropriate officer of the Council, admits liability or negotiates or attempts to negotiate a settlement of any claim falling within the scope of the resolution.
6. These indemnities and undertaking are without prejudice to the rights of the Council to take disciplinary action against an officer in respect of any act or failure to act.

7. These indemnities and undertaking shall apply with effect from 19th October 2005 and shall continue to apply after the councillor or officer has ceased to be a councillor or officer of the Council as well as during his/her councillorship of or employment by the Council.



**OVERVIEW AND SCRUTINY COMMITTEE
CALL-IN REQUEST FORM**



To: Assistant Director (HR, Legal and Democratic Services)

I would like to call-in the decision as detailed below:

Decision making body (Cabinet or Portfolio Holder)

Date decision made:

What was the Decision made by Cabinet or Portfolio Holder:

If the reason for the call-in is that the decision was outside the Budget and Policy Framework Procedure Rules, please give an explanation

What action would you like to see the Cabinet / Portfolio Holder take to address the concerns outlined in the call-in, or what needs to be done to strengthen their decision?

At what stage did you inform the Portfolio Holder or the Leader of the Council that you had concerns over this planned decision? If not a planned decision (that is if the decision did not appear on the Decisions Plan), what attempts did you make to speak to the Portfolio Holder before calling in the decision?

Please state which of the principles for decision making set out in Article 12 of the Constitution has/have been breached (please tick)

		TICK
1	The decision was not reasonable within the common meaning of the word, ie it was not a rational decision based on sound judgement.	
2	The decision was not reasonable within the legal meaning of "reasonableness", ie all relevant considerations were not fully taken into account in reaching the decision and all irrelevant ones disregarded.	
3	In the case of 'quasi-judicial' decisions (ie a decision as to whether or not to grant a licence) a fair hearing was not conducted in accordance with the rules of natural justice to the person who was the subject of the decision.	
4	The decision was not proportionate (ie the action was not proportionate to the desired outcome).	
5	The decision was not taken on the basis of due consultation and professional advice from officers.	
6	Human rights were not respected and consideration was not given as to whether the decision would give rise to any implications under the Human Rights Act 1998 and the European Convention on Human Rights.	
7	The decision was not taken in compliance with Council's schemes of delegation, financial rules and instructions relating to contracts.	
8	When making the decision, a presumption in favour of openness was not applied and a clarity of aims and desired outcomes was not displayed.	
9	Careful consideration was not given as to whether there was an interest that should have been declared;	
10	In the case of an executive decision taken by the Cabinet, or an individual Member of the Cabinet, or an Officer (where the decision is closely connected with	

	the Cabinet), a proper record of the decision was not made together with a record of the reasons for the decision, details of any alternative options considered and rejected and any conflicts of interest.	
--	--	--

Referring to the box(es) ticked above, please explain how the principles set out in Article 12 of the Constitution have not been met, and provide documentation or evidence, where appropriate to support the call-in:

Suggested Witnesses (Internal/External) to be invited and their relevance to the call-in

Members calling in the decision (Call-in to be requested by any five members of the Council)

Name of Councillor		Signed	Will you be attending the call-in meeting?
1	(Lead on Call-in)		
2			
3			
4			
5			

Once completed, either by hand or electronically, please send to the Assistant Director (HR, Legal and Democratic Services) **BY 5PM ON THE DEADLINE DATE PUBLISHED ON THE CABINET DECISION NOTICE**, otherwise the call-in will not be valid.

Amended: March 2015 (Constitutional Review)

CONFIDENTIAL INFORMATION PROTOCOL

- 1.1 A Protocol to support Paragraph 4 (iv) of the Members' Code of Conduct which allows for the disclosure of confidential information by a Member where the disclosure is reasonable, in the public interest, made in good faith and complies with the reasonable requirements of the Council.
- 1.2 **This Protocol sets out the reasonable requirements of the Council:**
- (1) That careful consideration is given to the question of whether to make the disclosure and if the disclosure is made, the Member retains a note of the main considerations in reaching that decision.
 - (2) That the content of Cabinet/Committee reports, minutes or appendices that are marked as confidential items will not be disclosed without the prior written agreement of the relevant Chief Officer or author of the report who will re-consider the need to retain confidentiality under the provisions relating to exempt information under Schedule 12A of the LGA 1972 and the Freedom of Information Act 2000.
 - (3) That the detail of legal or other professional advice is not disclosed without the prior written agreement of the relevant Chief Officer.
 - (4) That the Council's policy on whistle-blowing and any guidance on reporting concerns are considered.
 - (5) That the current Member/Officer Protocol is considered.
 - (6) That the Members' Code of Conduct and associated guidance is considered.
 - (7) That the advice of the Monitoring Officer or Deputy Monitoring Officer is sought prior to disclosure of the information unless agreement has already been secured under (2) or (3) above.
- 1.3 Agreement to the disclosure of confidential information may be with or without conditions.
- 1.4 In instances involving particularly sensitive or highly confidential information, a Member may be asked to sign a confidentiality notice before information is released to them. In such cases, it would be the Council's expectation that the information is not disclosed.

OVERVIEW AND SCRUTINY COMMITTEE

TASK AND FINISH GROUP PROTOCOL

- 1) A Task and Finish Group will be appointed by the Overview and Scrutiny Committee as an informal Member Group set up for the purpose of researching ad-hoc issues relating to policy development or scrutiny. It will consist of:
 - a) 3-5 elected members reflecting broad political balance, where possible, and appointed on the basis of their relevant knowledge and interest. (*Membership of a Task and Finish Group is not restricted to only Overview and Scrutiny members*); and
 - b) A number of co-opted partners/community representatives and members appointed because of their specialist knowledge/and or expertise. *Co-opted members will be "non-voting" members of the Task and Finish Group.*
- 2) The Overview and Scrutiny Committee will set the framing terms of reference of the Task and Finish Group; the issue to be researched and the reasons; timescales to be agreed at the outset by the Overview and Scrutiny Committee giving a remit suitable to guide the actions of a short-term Task and Finish Group.
- 3) The Task and Finish Group will commence by producing an outline scope/project plan/work plan, including planned meetings to link effectively with scheduled Overview and Scrutiny meetings and involve relevant Cabinet Members on Policy Development research.
- 4) The Task and Finish Group will update the Overview and Scrutiny Committee as necessary to deliver the project plan and make recommendations to the Overview and Scrutiny Committee and produce a final written report. This will be presented to the Overview and Scrutiny Committee as a basis for further discussion and development. The report will document the Task and Finish Groups findings; evidence and recommendations; including, if appropriate, alternative views discussed and considered.
- 5) There is no requirement to meet in public or give five days notice of meetings as this is an informal group. As such no formal minutes will be produced, only bullet point notes, not for publication. Meetings to be attended by the Scrutiny Officer and additional officers may be requested to attend for professional support and guidance in the service area being researched.

(Forest Heath District Council & St Edmundsbury Borough Council)

Councillor Call for Action Protocol

1. Introduction

- 1.1 The "Councillor Call for Action" (CCfA) was introduced under Section 119 of the Local Government and Public Involvement in Health Act 2007 (the Act), and came into force on 1 April 2009. *The statutory requirement to implement CCfA by 1 April 2009 applies to all councils in England (with the exception of parish councils) regardless of their Executive arrangements.*
- 1.2 The Act enables any member of the Council to refer to the Overview and Scrutiny Committee any **local government matter** or any **crime and disorder matter** which affects their ward/division.¹
- 1.3 The power to refer a matter is available only where the matter is of direct concern to the ward or division which the councillor represents. A councillor can refer a matter even if no citizen has asked him/her to consider it, and there is no requirement for councillors in multi-member wards to agree – any of them can refer a matter.

2. Limitations

- 2.1 It is important to recognise that CCfA is not guaranteed to solve a given problem. CCfA can provide a method for discussing such problems and, through discussion, trying to overcome them.

3. Issues excluded from referral as a CCfA

- 3.1 The Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2008 excludes the following matters from referral as a CCfA:
- Individual complaints concerning personal grievances or commercial issues.
 - Any matter relating to an individual or entity where there is already a statutory right to a review or appeal (other than the right to complain to the Local Government Ombudsman), for example:
 - Planning and licensing applications and appeals
 - Council Tax/Housing Benefits complaints and queries
 - Issues currently under dispute in a court of law
 - Any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee or any of its sub-committees.²
- 3.2 A referral, provided it is not an excluded matter (see above); will ensure that the matter is included on the agenda of the Overview and Scrutiny Committee. It is then up to the members of the Committee to decide whether or not to take the matter further.

¹ For definition of a local government matter and a local crime and disorder matter please see explanatory notes pages at Appendix 3.

² For definition of vexatious and discriminatory matters please see explanatory notes pages at Appendix 3.

3.3 A referral made to the Overview and Scrutiny Committee is seen as being at the end of the CCfA process (**the last resort**) and not the first step.

4. Steps to be taken, prior to making a Councillor Call for Action referral

4.1 Prior to a councillor referring a matter as a CCfA to the Overview and Scrutiny Committee, a councillor **must** have tried to resolve the issue/problem themselves using all mechanisms and resources available to them at ward level. Councillors should:

- If a local crime and disorder matter, raise the issue through the Community Safety Partnership to find a way to resolve the issue.
- Ensure that all relevant partner organisations have been informed of the issue and given enough time to resolve the issue, for example through formal letters written on behalf of constituents, discussion at public meetings, petitions, communication with local MPs and councillors in other authorities etc.
- Ensure that all relevant internal potential routes to solution have been followed, for example informal discussions with officers and/or members, questions at committees, motions on the agenda at full Council etc.
- Ensure that this is not an issue that is currently being or should be pursued via the Council's complaints procedure.
- Ascertain whether or not any other form of local scrutiny is investigating the issue, eg Suffolk County Council.

5. How to make a Councillor Call for Action referral

5.1 If the issue/problem is still not resolved the councillor can refer it to the Overview and Scrutiny Committee as a "Councillor Call for Action". To do this the councillor should complete and submit to the Scrutiny Officer a CCfA Request Form outlining what the issue is and what steps have been taken towards a resolution. The request form is attached as Appendix 1, is available on the Council's Intranet, or from the Scrutiny Officer. The request form for a CCfA includes:

- The name of the councillor and ward they represent.
- Title of the CCfA and date of submission.
- A brief synopsis of what the main areas of concern are?
- Which organisations have been contacted in trying to resolve the issue.
- Responses received from those organisations.
- Whether the Committee has considered a similar issue recently, and how this issue differs from that?
- Whether the issue should be considered through the Council's Complaints Procedure?
- Whether the issue relates to a quasi-judicial matter such as development control or licensing?

- Whether a similar or related issue is the subject of a review on the current work programme?
- Whether the issue is currently being looked at by another form of local scrutiny?
- The potential for scrutiny of the issue to produce real improvements?
- Whether the CCfA is currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints process.
- Whether there are any deadlines associated with the CCfA of which the Overview and Scrutiny Committee needs to be aware?

5.2 Members are required to produce all their evidence regarding actions already taken in relation to the issue, and responses received from organisations contacted, at the time of submitting the CCfA Request Form.

5.3 The Scrutiny Officer will receive the referral form either by post or electronically, log it to track its progress, and, with the advice of the Service Manager (Legal), assess the issue to ensure that it is not a matter excluded from referral to the Overview and Scrutiny Committee.

5.4 The Service Manager (Shared Legal) will, if necessary, advise the Member that more evidence should be added in any section of the CCfA submission, although it will be the decision of the referring Councillor as to whether he or she chooses to provide more evidence, or wishes to submit the form in its original state.

5.5 The Scrutiny Officer will inform the Chairman of the Overview and Scrutiny Committee that the item will be included on the next Committee agenda. The councillor will be informed whether or not their referral has been successful.

5.6 A successful referral will ensure that the CCfA will be placed on the next agenda of the Overview and Scrutiny Committee. It is then up to the members of the Committee to decide whether or not to take the matter further.

6. Decision of the Committee whether to take the matter further

6.1 In deciding whether or not to take the matter further the Committee will consider:

- Anything that the councillor has done in relation to this matter; and
- Representations made by the councillor as to why the Committee should take the matter up. (Councillors have the option of either presenting their CCfA form without supporting papers, or by preparing a report setting out their views. Any reports prepared by councillors would be circulated, along with the agenda and other reports for the meeting). *This information will need to take account of the disclosures of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972.*

6.2 The criteria the Committee will use to decide whether or not to take the matter further include:

- Is the Committee satisfied that all reasonable attempts have been made to resolve the issue by the ward councillor? And do the responses received by the referring councillor demonstrate that the matter is not being progressed?
- Has the Committee considered a similar issue recently – if yes had the circumstances or evidence changed?
- Is there a similar or related issue which is the subject of a review on the current work programme? It may be more appropriate to link the new issue to an existing review, rather than hold a separate CCfA hearing. Relevant time pressures on resolving the CCfA should be taken into account.
- Have all relevant service areas or partner organisations been informed and been given enough time to resolve the issue? What response has the councillor received?
- Is this a case that is being or should be pursued via the Council’s corporate complaints procedure?
- Is it relating to a “quasi-judicial” matter or decision such as planning or licensing?
- Is the issue part of an individual’s own personal agenda (an issue of genuine local concern should have an impact on the local community).
- Is this an issue currently being looked at by another form of local scrutiny, e.g. Suffolk County Council?
- And, as with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring member’s ward?

6.3 In considering the CCfA, the Overview and Scrutiny Committee may invite the relevant Portfolio Holder, Chief Executive, Director, Assistant Director or external organisation to discuss the issue with the Overview and Scrutiny Committee and answer any questions.

6.4 If the committee decides not to accept the CCfA referral it must inform the councillor and provide reasons.

6.5 If the Committee decides to accept the CCfA referral, it must decide how it intends to take the matter forward and include the CCfA in its work programme. This could include:

Before holding a formal hearing:

- A meeting taking place between the Chairman and Vice-Chairman of the Overview and Scrutiny Committee, relevant officers, Scrutiny Officer, Assistant Director (HR, Legal and Democratic Services), Services Manager (Shared Legal) and the Member submitting the CCfA at which a definitive list of witnesses for the CCfA hearing will be drawn up together with question plans for each witness as appropriate.
- Asking the service area(s)/partner organisation(s) to respond to the CCfA.
- Setting up a research group to undertake a more in depth review.

At formal hearing³

- Asking for further evidence and/or witnesses to be brought to a future meeting then making recommendations to the relevant service committee/partner organisation.

7. Potential outcomes

7.1 Following a formal hearing, there are a number of potential outcomes from the Committee meeting:

- The Committee could determine not to make a report or recommendations (perhaps because it is not considered the right time to consider a particular issue), with the ward councillor notified in writing;
- The Committee could determine that it is a complex issue that requires further investigation and commission a scrutiny review of the issue;
- The Committee could write a report and make recommendations on the CCfA to Cabinet and/or partners.

7.2 Once the Committee has completed its work on the CCfA referral the member who made the CCfA referral will receive a copy of any report or recommendations made. The reply will also be made available on the Councils website, unless the matter was an exempt item, in which case the report cannot be made public.

8. Timescales

8.1 Once a CCfA has been assessed as not being a matter which is excluded from referral to the Overview and Scrutiny Committee, the item will be included on the next Committee agenda.

8.2 If the Committee agrees to take the matter forward, the hearing will usually be held as an item on the next available agenda. In exceptional circumstances, for example where there are unavoidable time constraints, a separate meeting may be convened.

8.3 Should a CCfA hearing result in recommendations to Cabinet being made, the Cabinet will usually respond to the recommendations, setting out any action it intends to take, within 28 days of the date of the Cabinet agenda on which the recommendations were placed.

8.4 Should a CCfA hearing result in recommendations to partner organisations, such organisations will also be requested to make a response to the recommendations, although they are under no legal obligation to do so.

³ Any formal hearing will be run along similar lines to a call-in hearing. Please see explanatory notes pages at Appendix 3 for further details.



Forest Heath
District Council

Forest Heath & St Edmundsbury councils

West Suffolk
working together



St Edmundsbury
BOROUGH COUNCIL

Appendix 1

Councillor Call for Action Request Form

This form should be used by any Councillor who would like the Overview and Scrutiny Committee to consider a Councillor Call for Action in their ward.

Councillor:

Address/contact details:

The Ward you represent:

Title of your Councillor Call for Action:

Date of Submission:

Please give a brief synopsis of the main areas of concern, including any community groups affected by the CCfA

Evidence Section

Which organisations have you contacted in trying to resolve this issue (please attached relevant documentation)

What responses have been received from those organisations, and how do those responses demonstrate that the matter is not being progressed? In particular, have the organisations been given sufficient time to progress the issue (please attach relevant documentation)

Has the Committee considered a similar issue recently – if yes, please evidence how the circumstances or evidence have changed

Is this a case that is being or should be pursued via the Council's corporate complaints procedure?

Is it relating to a "quasi-judicial" matter or decision such as planning or licensing?

Is there a similar or related issue which is the subject of a review on the current work programme?

Is this an issue currently being looked at by another form of local scrutiny, eg Suffolk County Council?

As with all scrutiny, does the matter referred have the potential for scrutiny to produce recommendations which could realistically be implemented and lead to improvements for anyone living or working in the referring member's ward? Please provide details.

Is the CCfA currently the subject of legal action by any party (to your knowledge) or is being examined by a formal complaints' process?

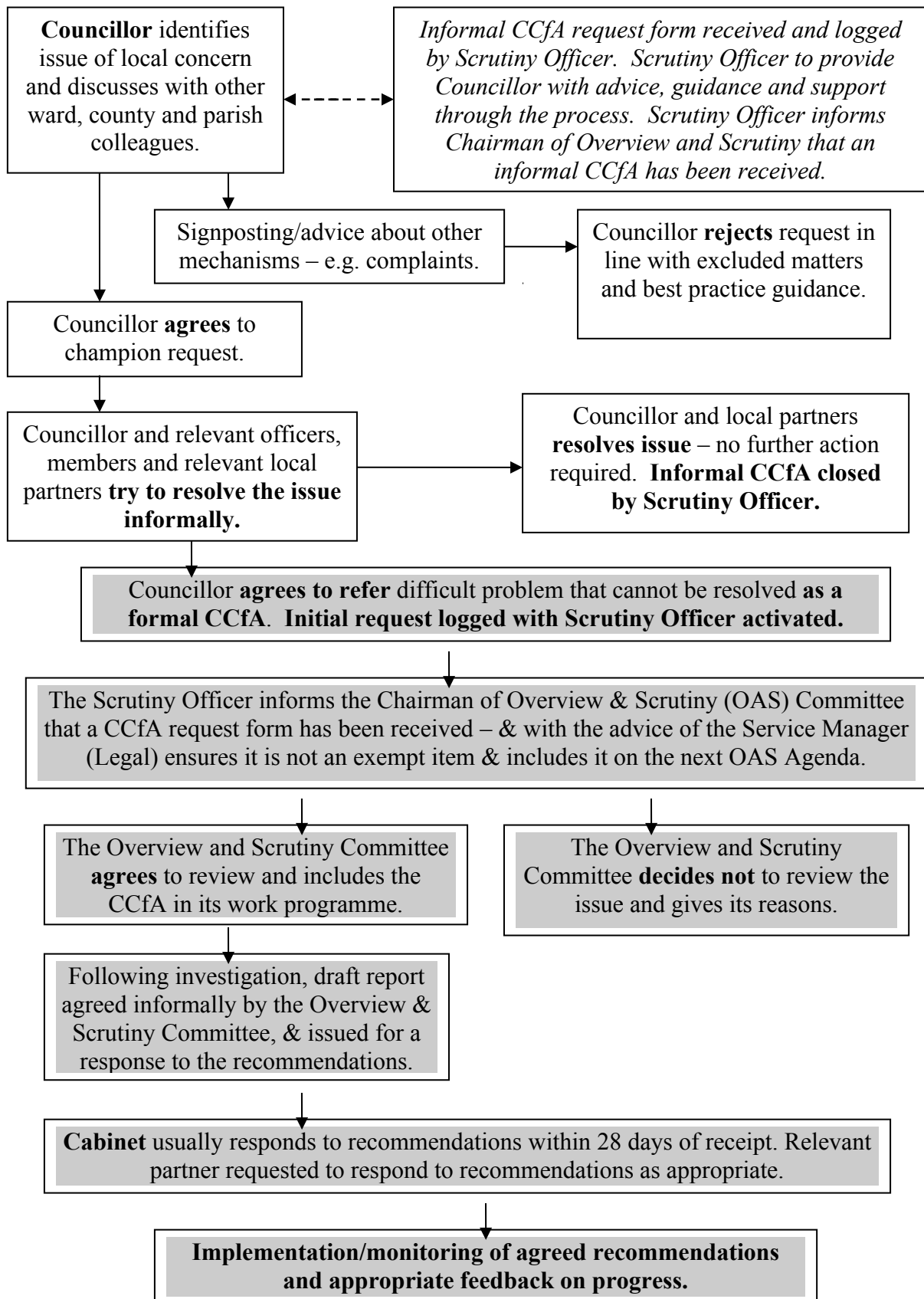
Are there any deadlines associated with the CCfA of which the Overview and Scrutiny Committee needs to be aware:

Please complete and return the form to either:

St Edmundsbury Borough Council
Christine Brain (Scrutiny Officer)
West Suffolk House
Western Way
Bury St Edmunds
Suffolk
IP33 3YU

Forest Heath District Council
Christine Brain (Scrutiny Officer)
District Offices
College Heath Road
Mildenhall
Suffolk
IP28 7EY

Appendix 2 – Summary of CCfA Mechanism



Appendix 3 - Explanatory Notes

1. Definition of a local government matter and a local crime and disorder matter

Local government matter

For the purpose of the Act a local government matter, in relation to a member of a local authority is one which:

- relates to the discharge of any function of the authority;
- affects all or part of the electoral area for which the referring member is elected or any person who lives or works in the area (ie it must be specific to a particular locality); and
- is not an excluded matter.

Local crime and disorder matter

A local crime and disorder matter, in relation to a member of a local authority, has been defined to mean a matter concerning:

- (a) crime and disorder (including in particular forms of crime and disorder that involve anti-social behaviour or other behaviour adversely affecting the local environment); or
- (b) the misuse of drugs, alcohol and other substances that affects the electoral area represented by the member, or the people who live or work in that area.

2. Definitions of “vexatious” “persistent” “discriminatory” and “not reasonable”

Statutory regulations deal with matters that can be excluded from CCfA, stating that “any matter which is vexatious, discriminatory or not reasonable to be included on the agenda for, or to be discussed at, a meeting of the overview and scrutiny committee is to be excluded”.

Vexatious/Persistent

Deciding whether a request is vexatious is a flexible balancing exercise, taking into account all the circumstances of the case. There is no rigid test or definition, and it will often be easy to recognise. The key question is whether the request is likely to cause distress, disruption or irritation, without any proper or justified cause.

Issues around persistency are implied by this definition. However, a persistent request may well be entirely valid – it may relate to a systematic problem that has not been effectively resolved. Similarly, a request which some members may regard as vexatious, for political reasons, may actually be entirely reasonable.

CCfAs need to be looked at on their merits, rather than on the basis of who is bringing them, or whether somebody thinks there is an ulterior motive for them being brought.

Where a request for a CCfA is clearly vexatious, detailed reasons for coming to this decision will be given to the councillor concerned. There could, however, be instances where changes to the scope of the CCfA, or its focus, could make it more acceptable while still meeting the councillor’s requirements.

Discriminatory

A modern interpretation of the word "discrimination" is provided at Section 45 of the Equality Act 2006, in relation to religion and belief, as follows:

A person (A) discriminates against another (B) if on the grounds of the religion or belief of B or of any other person except A, A treats B less favourably than he treats others. This definition can easily be amended to deal with other forms of discrimination, such as discrimination for reasons of sex and/or race. So a discriminatory CCfA might be one which implies or states that a group of people or an area receives better, or worse, services on account of that group's predominant religion, race, sex or other characteristic, as covered by discrimination legislation.

Not reasonable

It is suggested that, in the interests of transparency, authorities do not interpret "not reasonable" as being the same as the legal word "unreasonable". It is best to consider it as a qualifier to the word "vexatious", as a vexatious request is likely not to be reasonable and a request that is not reasonable is likely to be vexatious.

3. Structure of the CCfA hearing

A CCfA hearing will be based on the Overview and Scrutiny Committees structure for dealing with call-in hearings.

The following protocol is intended to formalise the conduct of CCfA hearings and the preparation work carried out in the run-up to such a hearing. It should be noted that the protocol may be varied to meet the requirements of any particular circumstances.

Prior to the hearing

1. Shortly after the Overview and Scrutiny Committee agrees to take forward a CCfA to a full hearing, a meeting will take place between the Chairman and Vice-Chairman of the Overview and Scrutiny Committee, relevant officers, Scrutiny Officer, Assistant Director (HR, Legal and Democratic Services), the Service Manager (Shared Legal) and the Member submitting the CCfA, at which a definitive list of witnesses for the CCfA hearing will be drawn up, together with question plans for each witness as appropriate.
2. The CCfA Request Form and any additional papers provided by the referring councillor will be published with the agenda for the meeting.
3. The referring councillor and relevant Portfolio Holder(s), officers and partners will be invited to the meeting.
4. Any other relevant external witnesses will be invited to the meeting.
5. Seven days' notice of a request to attend the meeting will be given to all participants. If a question plan is to be produced, seven days' notice of the questions planned will also be given to participants.
6. Prior to the meeting any member who may have a conflict of interest will be given relevant advice by the Monitoring Officer.

The hearing

1. The CCfA hearing will normally be the first item of business on the agenda, in order that participants and other witnesses are not kept waiting.
2. Participants and witnesses will be placed around the table with the Committee if space permits, but if there is a large number of witnesses or other attendees at the meeting, they may be required to wait in a separate seating area or the public gallery.
3. The referring councillor will be invited to make a presentation outlining his or her reasons for referring the matter as a CCfA. A question and answer session will follow.
4. Any other parties relevant to the hearing, for example Portfolio Holders, officers or partners, will be invited to make presentations outlining their response to the CCfA. Question and answer sessions will follow.
5. Any other relevant external witnesses will be invited to make a presentation to the Committee without interruption, following which there will be a question and answer session. Any witness at a CCfA hearing who does not have a question plan, but is asked for his or her views on a particular issue, will be invited to speak for no more than three minutes.
6. Witnesses will be given the opportunity to add any points of clarification before any resolution or recommendation is moved.
7. The referring councillor will be given the opportunity to add any points of clarification before any resolution or recommendation is moved.



Forest Heath
District Council

Forest Heath District Council Representation on Outside Bodies 2015 to 2019

and

Representation on Wholly-Owned/Joint Venture Commercial Companies 2015 to 2019

(Note: This list covers constituted organisations and charities. Council representation on project groups or boards, formed of various organisations, would be determined by Cabinet or in accordance with the Memoranda of Understanding for those projects. Further general information about the organisations and the representatives appointed to serve are available on the following link to the Council's website: [Outside Bodies](#))

Outside Bodies

Aspal Close Working Group

Association for Suffolk Museums Management Committee

Brandon Heritage Centre

Brandon Remembrance Playing Fields Management Committee

'Breaking New Ground' Board (*replaces the Brecks Partnership – Core Management Group*)

District Councils' Network

East of England Local Government Association (EELGA)

Home of Horseracing Trust (Observer)

Internal Drainage Board – Burnt Fen

Internal Drainage Board – Lakenheath

Internal Drainage Board – Mildenhall

Local Government Association (LGA) (General Assembly)

Love Newmarket Business Improvement District (BID)

Mildenhall Community Association

Mildenhall Dome Joint Management Committee (*formerly Mildenhall Dome Leisure Centre Joint Co-ordinating Committee*)

Mildenhall Museum (Trustees)

National Horseracing Museum (Observer)

Newmarket Citizens Advice

Our Greenest County Board (Suffolk County Council)

Rural Services Network (SPARSE)

Suffolk County Council – Health and Wellbeing Board

Suffolk County Council – Suffolk Flood Risk Joint Scrutiny Sub-Committee

Suffolk County Council – Health Scrutiny Committee

Suffolk Joint Emergency Planning Policy Panel

Suffolk Police and Crime Panel

Suffolk Waste Partnership (SWP)

Suffolk West Citizens Advice

Western Suffolk Community Safety Partnership

Wholly-owned/Joint Venture Commercial Companies

Barley Homes (Group) Ltd

Verse Facilities Management Ltd

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