



Date: 18 January 2013

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: **All Members of Council**

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please find attached supporting information in relation to the Financial regulation report.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Officer

COUNCIL - 28 JANUARY 2013

SUPPLEMENTARY AGENDA

13. **FINANCIAL REGULATIONS REVIEW** (Pages 1 - 124)

A copy of the amended Constitution is available on the website as part of the agenda documentation or in the Members' Room.

Hinckley & Bosworth Borough Council



Hinckley & Bosworth
Borough Council

A Borough to be proud of

CONSTITUTION OF THE COUNCIL

Eleventh Edition
2013

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CONSTITUTION OF THE COUNCIL

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1. SUMMARY OF MAIN LIMITS IN THE PROCEDURE RULES

CAPITAL PROGRAMME

Tenders & Quotes

- Variations causing the **scheme budget** to increase by at least 5% (min £10,000) must be reported to Executive immediately, **and**
- show possible compensating savings in the project, **or**
- Compensating adjustments in other projects, **or**
- Ask Council for supplementary budget.

Overspends up to £25,000

- Chief Executive, Deputy Chief Executive(s) approve virement.
- Chief Executive in consultation with Deputy Chief Executive (Corporate Direction) may approve supplementary budget.

Overspends £25,001 to £50,000

- Request to Executive for virement or supplementary budget.

Overspends £50,001 and above

- Request to Council for virement or supplementary budget.

CONTRACTS

Report to Executive any projected increase of more than 5% on contract (min £10,000)

INCOME

Write Off of Debts

- **Up to £5,000:** All members of the Corporate Operations Board (COB) may give approval to write off general debts that are proven to be unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.
- **Between £5,001 and £10,000:** All members of SLB may give approval to write off general debts as above.
- **Between £10,001 and £25,000:** The Chief Executive or Deputy Chief Executive (Corporate Direction).
- **Between £25,001 and £50,000 Executive approval.**
- **Over £50,000:** Council approval.

Miscellaneous Sales

- Chief Officers can authorise, if the estimated income is **up to £5,000.**
- SLB must authorise if the estimated income is **£5,001 and above and a minimum of three offers sought.**

PAYMENTS

- Over £50,000 SLB to authorise.
- **£20,001 to £50,000 :** Approval of Chief Executive; Deputy Chief Executive(s), or COB member required.
- **£5,001 to £20,000 :** Approval of Chief Executive, SLB Member, COB Member or a Manager reporting directly to a Deputy Chief Executive.
- **Up to £5,000 :** COB must compile a list of officers authorised to make payments (in consultation with SLB). The list must include the approval limit and specimen signature for each authorised Officer. The list must be sent to the Deputy Chief Executive (Corporate Direction) and reviewed annually.
- Petty Cash : **Limit is £150.**

ALL PAYMENTS ARE SUBJECT TO CORRECT ORDERING PROCEDURES BEING FOLLOWED.

REVENUE BUDGETS

Variations

- **20% but less than £10,000 :** Deputy Chief Executive (Corporate Direction) can approve virement.
- **Variations between £10,001 and £25,000:** Chief Executive in consultation with Deputy Chief Executive (Corporate Direction) can approve virement.
- **Variations up to £10,000 :** Chief Executive in consultation with Deputy Chief Executive (Corporate Direction) can approve a supplementary budget.
- **Variations between £10,001 and £25,000 requiring a supplementary estimate :** Can only be approved by the Chief Executive after he has been reassured that all necessary steps have been taken by the SLB Member to achieve compensating savings and in consultation with the Deputy Chief Executive (Corporate Direction).
- **Between £25,001 and £50,000 :** Executive approve virement or supplementary budget.
- **£50,001 and above :** Council approve virement or supplementary budget.

ORDERS FOR WORKS, GOODS AND SERVICES

Authorisation

- **Over £50,000:** SLB Members must approve.
- **Between £10,001 and £50,000 :** SLB or COB Members must approve.
- **Up to £10,000:** COB Members must compile a list of officers authorised to approve orders (in consultation with SLB). The list must include the approval limit and specimen signature for each authorised Officer. The list must be sent to the Deputy Chief Executive (Corporate Direction) and reviewed annually.

Ordering Procedure

- The current Contact Procedure Rules and Financial Procedure Rules regarding revenue and capital budgets must be strictly observed.
- **No splitting of orders to avoid the relevant procedure!**
- Orders for more than one year and/or more than one department must be for the **total value over the full period.**
Before proceeding to raise an order/enter into a new contract for the supply of goods, works or services, the procuring officer should first ensure that there are:
- No current in-house arrangements in existence.
- No current ESPO/OGC arrangements in place.
- No current Corporate Contracts in place.

The following limits apply:

- **Orders up to £5,000:** Informal prices.
- **£5,001 to £20,000 :** 2 written quotations.
- **£20,001 to £50,000 :** 3 written quotations on the basis of a detailed specification **and the Council's Procurement Manager must be consulted.**
- **£50,001 + :** The formal tendering procedure, set out in Contract Procedure Rules must be used **and the Council's Procurement Manager must be consulted.** Where the Council is a lead Authority in procuring goods or services for a number of authorities, it is the gross value of the order that will determine the level of authorisation.

2. INTRODUCTION

- A. The control and co-ordination of the finances of the Borough Council is the responsibility of the Council. Financial Procedure Rules provide the framework within which the Council's financial affairs are to be managed.
- B. The Deputy Chief Executive (Corporate Direction) is the designated officer responsible, under the terms of Section 151 of the Local Government Act 1972, for the proper administration of the financial affairs of Hinckley and Bosworth Borough Council. The Head of Finance will deputise as S151 Officer in the absence of the Deputy Chief Executive (Corporate Direction).
- C. Any reference to the Deputy Chief Executive (Corporate Direction) will include those officers in that Service Area undertaking delegated duties.
- D. Within financial procedures the term "Chief Officers" shall be deemed to include the Chief Executive and the Strategic Leadership Board (SLB) along with the Corporate Operations Board (COB).
- E. Any references made to "Finance Officers" include the Head of Finance, Group Accountants, Senior Accountants and Accountants.
- F. The Corporate Property Officer (CPO) is the Estates and Assets Manager.
- G. The Procurement Officer is the Chief Officer (Finance, ICT, Assets, Audit and Procurement).
- H. A Head of Service is a member of the officers' Operational Board.
- I. The Chief Executive, SLB and Operational Board members are responsible for ensuring that all Financial Rules, Financial Procedures and any other financial instructions which the Deputy Chief Executive (Corporate Direction) may issue from time to time are complied with by all their staff in order to ensure that the Council obtains value for money and that the goods, materials, works and services required are necessary and appropriate.
- J. Where a Chief Officer discovers that there has been a breach of Rules in his/her service area then he/she will consult the Deputy Chief Executive (Corporate Direction) and instigate appropriate action. This may include, following consultation with the Head of Corporate Services, consideration of invoking the Council's disciplinary procedure and reporting to Executive as necessary.
- K. The Financial Procedure Rules are rules that members and officers must apply to ensure good financial management. They give the detail to the general strategy contained in Part 4 of the Constitution. They must be used in the context set out in Rules of Procedure (Part 4 of the Constitution of the Council) and Codes and Protocols (Part 5 of the Constitution of the Council) and must be adhered to at all times.
- L. Financial Procedure Rules must be reviewed annually and Council must approve any amendments.
- M. Any questions about the use or scope of the Financial Procedure Rules should be addressed to the Deputy Chief Executive (Corporate Direction) or to Finance Officers.

3. ACCOUNTING PROCEDURES

- ◆ The **Deputy Chief Executive (Corporate Direction)** will decide on all accounting procedures within the Borough Council and on the records to be kept.
- ◆ **All accounts and accounting records** will be compiled under the direction of the Deputy Chief Executive (Corporate Direction).
- ◆ The following **principles** will apply in **allocating accounting duties** :
 - **the calculation, checking and provision of information** on sums due to or from the Borough Council must be separated from actual collection or payment of those sums.
 - the **staff checking** cash transactions **must not** have been involved in those transactions.
 - All the monitoring controls (e.g. reconciliations) must be independently reviewed.
- ◆ The **Deputy Chief Executive (Corporate Direction)** is responsible for **providing all financial management information** to Council, Executive, Scrutiny Committees, SLB and service areas, as frequently as may reasonably be required.
- ◆ **By 30 June of each year the Deputy Chief Executive (Corporate Direction) must :**
 - report to Executive the **out-turn details** for the previous financial year,
 - draw attention to any significant **over or under spending** against budget,
 - present a **financial statement** of the Borough Council finances at the end of the last financial year to the external Auditors.
 - Present an Annual Governance Statement for the Borough Council to the external Auditors at the end of the last financial year.
- ◆ The **Deputy Chief Executive (Corporate Direction)** shall prepare a report to Council, under the requirements of **Section 114 of the Local Government Finance Act 1988** if it appears that the Authority or an officer:
 - has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful,
 - has taken or is about to take a course of action which if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority,
 - is about to enter an item of account the entry of which is unlawful, or
 - has incurred expenditure, or proposes to incur expenditure, in a financial year in excess of the total resources (including sums borrowed) available to it to meet that expenditure.
- ◆ The **Deputy Chief Executive (Corporate Direction)** is responsible for **submitting the Council's Statement of Accounts to the External Auditor** by 30 June each year.
- ◆ A "**Key Decision**" is defined as a decision which:
 - involves expenditure (or a reduction in income) over £50,000 on any particular scheme/project (totalled across financial years); or
 - involves the adoption of a policy or strategy which the Executive has power to adopt; or
 - involves the adoption or amendment of the Scale of Fees and Charges; or
 - is one which affects the whole of the Borough and is one which the residents of Hinckley & Bosworth would normally expect to be notified or consulted
- ◆ Officers are required to immediately inform the Monitoring Officer of any key decision for inclusion in the Forward Plan.

4. ASSET REGISTER

- ◆ The **Corporate Property Officer** in consultation with the Corporate Asset Management Group, will undertake all required developments in asset management.
- ◆ The **Corporate Property Officer** will be responsible for maintaining an Asset Register of all significant assets owned by the Council.
- ◆ The **Deputy Chief Executive (Corporate Direction)** will verify the asset register on a twice yearly basis to the corporate land terrier record, maintained by the Head of Corporate & Scrutiny Services.
- ◆ The **Corporate Property Officer** will provide guidance to SLB members on the requirement to update the Asset Register.

5. BANKING ARRANGEMENTS

- A. The Deputy Chief Executive (Corporate Direction) is responsible for all arrangements with the Council's bankers.
- B. No officer shall be permitted to open bank accounts without prior approval of the Deputy Chief Executive (Corporate Direction).
- C. Bank accounts will be in the name of "Hinckley and Bosworth Borough Council".
- D. All cheques and banking stationery must be ordered by the Deputy Chief Executive (Corporate Direction), who must arrange for their safe custody and control.
- E. The Deputy Chief Executive (Corporate Direction) has discretion to arrange overdraft facilities.
- F. Cheques on the Council's bank account will:
 - Bear the facsimile signature of the Chief Executive or the Deputy Chief Executive (Corporate Direction), or
 - Be signed by the Chief Executive or the Deputy Chief Executive (Corporate Direction), or
 - Be signed by any other officer so authorised by the Chief Executive and the Deputy Chief Executive (Corporate Direction).
 - Except for system generated cheques, two signatures are required for cheques over £50,000.
- G. The Deputy Chief Executive (Corporate Direction) must arrange:
 - Monthly reconciliations of the Council's bank accounts with the cash book. These reconciliations should be reviewed by an independent finance officer on a timely basis.

6. CAPITAL PROGRAMME (CREATION)

- A. For the purpose of these procedure rules “capital expenditure” means the acquisition, construction or enhancement of tangible/intangible fixed assets (land, buildings, vehicles, plant, equipment, hardware and software).

An enhancement is defined as:

- Works that lengthen substantially the useful life of an asset or
 - Works that increase substantially the MV of an asset or
 - Works that increase the extent to which the property can be used for purposes of functions of the Council.
- B. Items or groups of items under the value of £5,000 would not normally be classified as capital expenditure unless they meet the definition of an enhancement above.
- C. The Deputy Chief Executive (Corporate Direction), will prepare a Capital Programme in the annual budget cycle, showing the projects for the next four years.
- D. The Capital Forum Group will review the Capital Programme with the Asset Management Plan in order to ensure that the Council’s corporate objectives are being met and that there is consistency between the capital programme and the Asset Management Plan. The Capital Forum Group will report progress on the Capital Programme to the Heads of Service on the Operations Board.
- E. The Deputy Chief Executive (Corporate Direction) will collate the submissions of the Heads of Service and report to the Executive.
- F. The Council will receive the recommendations of the Executive, review the overall expenditure, capital resources and revenue implications and set a capital budget.
- G. The Capital Programme will include total capital costs and the proposed capital expenditure on each scheme for each year of the programme. In addition, the financing of all capital schemes should be disclosed.
- H. The Procedure for inclusion in the Capital programme is as follows:
- An initial project appraisal must be submitted to the Head of Service.
 - The project will then be presented to the Capital Forum Group and if agreed a report will be presented to the Deputy Chief Executive (Corporate Direction) and to SLB.
 - Once approved by SLB a Project Officer will be assigned who will be responsible to the lead officer in charge of the project budget.
 - An outline report will then be presented to Executive/Council for noting
 - Council as part of the next revenue budget review cycle will consider the project and give approval as appropriate

It is the Project Officer’s responsibility to ensure:-

- A full financial appraisal will be prepared by the technical officer in conjunction with the Deputy Chief Executive (Corporate Direction) and will include:
- Detailed estimates of the capital costs of the proposed scheme and associated funding.
- Detailed estimates of the annual running costs and income.
- Estimated annual capital charges resulting from the additional asset.
- Any consequences of not proceeding with the project.
- Any compensating savings in other services after completion of the project.

- I. In exceptional circumstances, a project may need to be inserted in the programme when it cannot fulfil the normal programming timetable. The report proposing the project must include:
- A full financial appraisal.
 - An explanation of how the project can be fitted into the programme.
 - The explanation will identify the necessary savings or the project(s), which will be deferred to accommodate the new project.
- J. The Deputy Chief Executive (Corporate Direction) will advise SLB and the Executive of funding the Capital Programme. This will include consideration of affordability and sustainability in accordance with the Prudential Code and disposal of Council assets in accordance with the Council's Disposals Policy as outlined in section 8.

7. LAND AND PROPERTY ACQUISITION

Unless there are exceptional circumstances, the Council will only acquire land or property for the following reasons:

- To contribute towards the provision of Council's services
- Economic Development purposes
- Improving service delivery and in turn providing revenue income generation
- Strategic acquisition for redevelopment purposes

A financial appraisal will be carried out to establish the financial/budgetary implications of acquiring the property at the quoted asking price. The advice of the Deputy Chief Executive (Corporate Direction) will be sought regarding current rates of interest on capital invested, to enable the opportunity cost of the acquisition to be fully assessed. The financial appraisal will take into account the following matters:

- The capital cost of acquisition
- The opportunity cost of acquisition
- Any revenue, or potential revenue, generated from the property, both short and long term
- Availability of external funding sources
- Possibility of joint ventures
- The cost, in Asset Management terms, of owning the property, including:
 - Immediate maintenance/refurbishment requirements
 - Demolition costs, if appropriate
 - Ongoing maintenance/life cycle costings
 - National non-domestic rates
 - Services within the property
 - Insurance
 - The overall effect of the expenditure on the Council's budgetary position e.g. depreciation and MRP.

Where the acquisition is to be by way of a long lease, the Deputy Chief Executive (Corporate Direction) will be consulted to assess the implications regarding VAT, Capital Controls and accounting conventions.

Once the financial appraisal has been undertaken, a report will be prepared seeking appropriate approval for the proposed course of action.

Detailed guidance on land and property acquisition can be found in the Council's adopted acquisition policy.

8. LAND AND PROPERTY DISPOSALS

Section 123 of the Local Government Act 1972, provides guidance on a definition to the effect that disposal of property can be considered to be a disposal if it consists of

- a) freehold transfer; or
- b) a grant of a term exceeding seven years; or
- c) the assignment of a term which, at the date of the assignment, has more than seven years to run.

Minor Disposals

A minor disposal generally arises when an application is received from adjacent or neighbouring owner(s) to purchase the freehold or leasehold interest of a small or inconsequential area of land in the Council's ownership. If the land is surplus to requirements as identified in the Acquisition and Disposal Strategy, has no development value or open market opportunity and has a market value of less than £5000, it is permissible in these cases with the agreement of the Deputy Chief Executive (Corporate Direction) to open 'confined' negotiations with the adjacent or neighbouring owner in order to achieve the most advantageous financial or economic result e.g. if the land is 'landlocked' or is difficult or expensive to maintain. In the case of minor disposals, the Estates and Asset Management Service is responsible for the disposal of its property assets in accordance with this policy.

Major Disposals

A major disposal is any disposal not covered by the minor disposal definition above.

When a property has been identified as surplus to the requirements of the Council, the CPO should be notified. If the Asset is not identified as a key disposal under the Acquisition and Disposal Strategy it should be processed by the Asset Management Service to ascertain the value of sale. On successful completion of this process CPO may seek Executive approval to it being declared surplus and add the record to the acquisition and disposal strategy for an appropriate programmed sale.

Detailed guidance on land and property disposal can be found in the Council's adopted disposal policy.

9. DELEGATED POWERS OF DISPOSAL

Delegated powers of disposal are considered separately and are subject to the Council's Constitution.

10. CAPITAL PROGRAMME (CONTROL)

BUDGET MONITORING

- A. Heads of Service and delegated Officers are responsible for ensuring that Capital schemes for which they are responsible are not overspent and delivered on schedule.
- B. The Capital Forum Group will monitor progress of all capital projects at least quarterly.

ACCEPTANCE OF TENDERS

- A. Chief Officers must report to Executive, where tenders/quotations cause the scheme budget to be exceeded by more than 5% (minimum reporting level £10,000) indicating whether:
 - Amendments can be made to the project specification to ensure that the budget is not exceeded, or

- Compensating adjustments can be made to other capital projects within the programme. Such adjustments require the approval of Executive, or
- Executive can be requested to approve a supplementary budget up to a maximum of £500,000 per year in aggregate, with a limit per individual supplementary of £50,000, where no savings are possible.
- Council can be requested to approve a supplementary budget beyond £50,000, up to a maximum of £500,000 where no savings are possible.

BUDGET REPORTING

- Finance Officers will report to the Operational Board, at least quarterly, on progress of the capital programme.
- The Operational Board will report to SLB at least quarterly on progress of the Capital Programme.
- Executive shall hold SLB members to account for their performance on implementing the capital programme and for their use of capital resources.
- The Deputy Chief Executive (Corporate Direction) will report quarterly to Finance, Audit and Performance Committee on the overall financial position in relation to over/under-spends and anticipated slippage.
- The Deputy Chief Executive (Corporate Direction) shall report outturn expenditure to Executive, Finance, Audit and Performance Committee and to Council.

SUPPLEMENTARY APPROVAL / VIREMENT

- Overspend up to £25,000 on a capital project
 - The Chief Executive or Deputy Chief Executive(s) will be authorised to vire across budget heads up to a maximum of £250,000 per year in aggregate, with a limit per individual virement of £25,000. All such proposals must be reported to the Accountancy section.
 - The Chief Executive, in consultation with the Deputy Chief Executive (Corporate Direction) is authorised to approve supplementary estimates up to a maximum of £250,000 per year in aggregate, with a limit per individual supplementary estimate of £25,000.
- Overspend between £25,001 and £50,000 on a capital project.
 - Executive will be authorised to vire across budget heads up to a maximum of £500,000 per year in aggregate, with a limit per individual virement of £50,000.
 - Executive will be authorised to approve an individual supplementary estimate of £50,000 up to a maximum of £500,000 per annum in aggregate.
- Overspend greater than £50,000 on a capital project.
 - Council will be authorised to approve a virement across budget heads above £50,000 per individual virement.
 - Council will be authorised to approve an individual supplementary estimate above £50,000.

CAPITAL PROGRAMME CONTROL

- Chief Officers and Heads of Service must ensure all Borough Council employees and external organisations are aware of and comply with Constitution of the Council Contract Procedure Rules and Financial Procedure Rules.
- The Deputy Chief Executive (Corporate Direction) may carry out an audit of any capital project, either while it is in progress or after completion.
- The Deputy Chief Executive (Corporate Direction) will make an annual report, to Executive, listing those projects, which became financially complete in the previous financial year and comparing the final cost with the scheme budget.

11. CONTRACTS

- All contracts for works, goods and services must comply with the Council's Contract Procedure Rules.

- B. Chief Officers and Heads of Service entering into contracts for the supply of goods and services must notify the Deputy Chief Executive (Corporate Direction) immediately and he or she must be supplied with financial details of the contract.
- C. Before any contract is completed with a contractor:
- The Deputy Chief Executive (Corporate Direction) may make any enquiries necessary to establish the financial competence of the contractor to carry out the works.
 - The Deputy Chief Executive (Corporate Direction) may make any enquiries necessary to establish evidence to ensure that appropriate insurances and bonds are in place.

WORKS CONTRACT

- D. For contracts for the supply of works on a retention basis, the Deputy Chief Executive (Corporate Direction) must keep records showing:
- The state of account of each contract
 - The payments to each contractor
 - Retentions
 - Associated professional fees
- E. Payments on Account to contractors must be made only on a certificate authorised by a Head of Service or other authorised supervising officer.
- F. The Certificate will show:
- The total amount of the contract
 - The value of work carried out to date
 - Authorised variations
 - Retention money
 - The amount paid to date
 - The amount now due for payment

VARIATIONS

- A. All variations, additions and omissions, must be authorised in writing by the supervising officer under the terms of the contract.
- B. The notification must specify:
- The individual rates of charge
 - The total cost of measured work
 - The estimated cost
 - The basis of charge
- C. A copy of each notification is to be sent to the Deputy Chief Executive (Corporate Direction) and the Procurement Manager for inclusion in the Contracts Database.
- D. The Head of Service, on behalf of the supervising officer, must report immediately to Executive any variation or addition which will cause the accepted tender or quote to increase by more than 5% (with a minimum reporting level of £10,000). All variations must be notified to the Deputy Chief Executive (Corporate Direction) at the earliest possible opportunity and be reported in accordance with normal budget monitoring process.
- E. The Heads of Service have discretion to withhold payments claimed to be due, until the contractor has complied with the terms of the contract.
- F. Any claim by the contractor on a matter not clearly within the terms of a contract must be referred to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) and the

Deputy Chief Executive (Corporate Direction) for assessment of the legal liability and financial implications before any settlement is reached.

- G. The Chief Officer, on behalf of Contract Officer, must report any delay in a contract, which will significantly affect the final completion date to Executive. The report must include details of any remedial action.
- H. The Head of Service in consultation with the Chief Officer is responsible for examining the agreed final account and any supporting documents before the final certificate for payment is issued.
- I. The Contract Officer must inform the Deputy Chief Executive (Corporate Direction), when the maintenance period in the contract has been completed satisfactorily, so that retention monies may be released.
- J. Where the Borough Council has appointed a consultant to supervise a contract, the terms of appointment must require the consultant to satisfy the same Financial Procedure Rules that apply to an officer of the Council.
- K. The terms of appointment must also ensure that the Council retains all accounts, vouchers and documents until the External Auditor has audited the Council's accounts.

12. INCOME

RESPONSIBILITY

- A. The Deputy Chief Executive (Corporate Direction) is responsible for the collection and safe custody of all money due to the Borough Council.
- B. Heads of Service are responsible for raising debtor invoices in their own service areas and report on collection rates to the respective Chief Officer at least quarterly.

IDENTIFICATION OF SOURCES OF INCOME

Heads of Service must raise debtors' invoices promptly and within one calendar month of the service provision. Heads of Service must notify the Chief Officer and Deputy Chief Executive (Corporate Direction) when any contract, lease or arrangement is made, whose terms provide that the Council should receive money.

The Deputy Chief Executive (Corporate Direction) has the right to inspect any documents relating to such matters.

The Deputy Chief Executive (Corporate Direction) must maintain a Periodical Income Records identifying regular receipts.

GRANTS

- A. Heads of Service should ensure that all grants and external funding income is promptly claimed and proper records and working papers are retained to justify claims.
- B. Heads of Service should ensure that all claims are validated by a Finance Officer before submission to the accountable body/funding agency
- C. Heads of Service must inform the Chief Officer and Deputy Chief Executive (Corporate Direction) of any new bids for grant application, provide copies of grant applications and letters of acceptance to the Deputy Chief Executive (Corporate Direction).

- D. The Deputy Chief Executive (Corporate Direction) will retain a central grants register which will be monitored and updated.

FEES AND CHARGES

Heads of Service in consultation with the Chief Officer will ensure that all rents, fees and charges are reviewed at least annually at the time of the preparation of the budget. Rents should be reviewed in accordance with the terms of the agreement.

Where it is proposed to introduce, revise, or discontinue a scale of fees and charges, the Deputy Chief Executive (Corporate Direction) should be consulted before the proposal is progressed.

The Deputy Chief Executive (Corporate Direction) will produce an annual report and Fees and Charges book to Executive for approval.

PROCEDURE FOR RECEIPTS

- A. Any money received by an officer must immediately:
- Be paid to the Deputy Chief Executive (Corporate Direction) or,
 - Be paid into the Council's bank account or,
 - Be sent direct to any other body or person entitled to receive it.
- B. No deduction must be made from receipts unless specifically authorised by the Deputy Chief Executive (Corporate Direction).
- C. All officers receiving cash must give an official receipt.

All receipts and deposits must be recorded clearly, accurately and in date order in records acceptable to the Deputy Chief Executive (Corporate Direction).

Each officer receiving money on behalf of the Council must record on a paying-in slip or directly into the computer system:

- A reference such as the debtor's name
- The receipt number, so that the debt or reason for the payment can be easily identified

On the back of each cheque the following details must be entered:

- Account number
- Cashier's reference
- Date accepted
- Receipt number

No third party cheques are to be accepted.

Personal cheques must not be cashed out of Council money.

The receiving officer must sign transfers of Council money from one employee to another.

DEBT RECOVERY

- ◆ The Deputy Chief Executive (Corporate Direction) must ensure that robust debt recovery procedures are in operation and comply with the Council's Debt Management Policy.

DEBT WRITE OFF

- A. Up to £5,000
All Members of the Corporate Operational Board may give approval to write off general debts that are proven to be unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.
- B. Between £5,001 and £10,000
All members of SLB may give approval to write off general debts that are proven unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.
- C. Between £10,001 and £25,000
- The Chief Executive and Deputy Chief Executive (Corporate Direction) have delegated authority to write off such debts.
 - They must submit reports to Executive, at six monthly intervals, summarising those debts written off.
- D. Between £25,001 and £50,000
- Executive must approve the write off.
- E. Over £50,000
- Council must approve the write off.

Sundry Debts

Council Tax, NNDR and Housing Benefits Overpayments Debts

Write off limits for Council Tax, NNDR and Housing Benefits Overpayment Debts are contained within the Debt Recovery Policy for Leicestershire Revenue and Benefit Partnership as follows:

- For debts up to but not exceeding £100 (including aggregated debts for one debtor), the delegated authority rests with the Enforcement Team Leader.
- For debts greater than £100 but not exceeding £1,000 (including aggregated debts for one debtor), the delegated authority rests with the Authority's Partnership Manager.
- For debts greater than £1,000 but not exceeding £10,000 (including aggregated debts for one debtor) (and for all credit balances), the delegated authority rests with the Senior Partnership Manager.
- For debts greater than £10,000 (including aggregated debts for one debtor) the request for write-off must be made in a report to the Executive.

13. INTERNAL AUDIT

- A. The Deputy Chief Executive (Corporate Direction) is authorised, under the terms of regulation 6 of the Accounts and Audit Regulations 2011, to arrange the internal audit of the internal control of Hinckley and Bosworth Borough Council.
- B. Internal Audit will:
- Ensure, by continuous review and appraisal, that systems of internal control are sound throughout the organisation.
 - Ensure compliance with established policies.
 - Promote the efficient use of resources to improve operations.
 - Assist in the protection of Council assets.
 - Strive to detect and prevent fraud and error.
- C. The Deputy Chief Executive (Corporate Direction) or his/her authorised representative has the authority to:

- Enter, at all reasonable times, any Council owned or managed premises and land.
 - Have access to records, documents and correspondence relating to transactions of and agency operations on behalf of the Council.
 - Require and receive explanations concerning any matter under consideration.
 - Require any employee to produce any cash, stock or other Council property under his control.
- D. Chief Officers and Heads of Service must notify the Deputy Chief Executive (Corporate Direction) immediately of any possible financial irregularity.
- E. The Deputy Chief Executive (Corporate Direction) will decide what report or action is required.
- F. The Deputy Chief Executive (Corporate Direction) will advise Executive where there are staffing implications.
- G. Any matter revealed during a routine audit must be reported to and considered by the Head of Service for a Management response.
- H. Audit recommendations will be reported to Finance, Audit & Performance Committee. This Committee will approve an Annual Audit Report.
- I. Chief Officers and Heads of Service will be responsible for considering and taking appropriate action on matters drawn to their attention by audit reports.
- J. Chief Officers and Heads of Service are responsible for reflecting upon Internal Audit Reports at the end of each year in completion of an “Assurance Statement” to inform the Annual Governance Statement.

14. INVENTORIES, EQUIPMENT AND STOCKS OF OFFICE SUPPLIES

All Heads of Service must prepare an inventory, in a form agreed with the Deputy Chief Executive (Corporate Direction), keep it up to date by annual review at 31st March each year and send a certified copy (certified by the Chief Officer and the Head of Service) to the Deputy Chief Executive (Corporate Direction). All Council property must be clearly marked as belonging to the Council.

Each Head of Service shall be responsible for carrying out an annual check of all items on the inventory.

The inventory will record a proper description of:

- All moveable furniture
- Office machinery
- Any similar property belonging to the Council

The Deputy Chief Executive (Corporate Direction) will prepare an inventory of ICT equipment and software, keep it up to date and carry out a formal review at the 31st March each year.

The Corporate Property Officer will prepare an inventory of works of art, civic regalia and other civic valuables, keep it up to date and carry out a formal review at the 31st March each year.

Heads of Service are responsible for the physical control of office supplies :

- Stock levels must be reasonable
- Levels must be reviewed annually

Council property can only be used on council business, unless the relevant Chief Officer has given specific approval to the contrary.

- A. Disposal of all ICT equipment must be in accordance with the ICT Equipment Disposal Policy.
- B. Chief Officers have authority to arrange the sale of non ICT surplus materials (to external customers), without offers, when expected income is not greater than £1,000.
- C. Chief Officers have authority to arrange the sale of non ICT surplus materials (to external customers), when expected income is not greater than £5,000 provided they have first sought informal evidence of the appropriate value of the item to be sold.
- D. When expected income is greater than £5,000, SLB must approve the sale and offers for the items must be invited.
- E. Payment is to be made in cash before the goods are released, unless the Deputy Chief Executive (Corporate Direction) has agreed otherwise.

15. INVESTMENTS, BORROWING AND TRUST FUNDS

- A. The Council has adopted the 2001 CIPFA'S Treasury Management in Public Services: Code of Practice (the Code) as described in Section 4 of that code.
- B. The Council will create and maintain:
 - A Treasury Management Policy statement, stating the policies and objectives of its treasury management activities
 - Suitable Treasury Management Practices (TMP's) setting out the manner in which the Borough Council will seek to achieve those policies and objectives, prescribing how it will manage and control those activities.
- C. The Council will approve the Treasury Management Policy on an annual basis.
- D. The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Executive and for the execution and administration of treasury management decisions to the Deputy Chief Executive (Corporate Direction), who will act in accordance with the Council's policy statement and Treasury Management Policies (TMPs) and CIPFA's Standard of Professional Practice on Treasury Management.
- E. Executive will receive reports on its Treasury Management Policies, practices and activities, including as a minimum an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs.
- F. The Finance, Audit and Performance Committee will receive reports on treasury management activities on a quarterly basis.
- G. All money in the hands of the Council shall be under the control of the Deputy Chief Executive (Corporate Direction).
- H. All funds are to be aggregated for the purposes of treasury management.
- I. All investments must be in the name of the Council or in the names of nominees approved by the Council.
- J. The Deputy Chief Executive (Corporate Direction) must keep all securities for property in the Council or approved nominees safe.
- K. The Deputy Chief Executive (Corporate Direction) is the Council's registrar for all stocks, bonds and mortgages.
- L. The Deputy Chief Executive (Corporate Direction) keeps the record of all Council borrowing.

- M. All trust funds must be in the name of the Council, wherever possible.
- N. Officers, acting as trustees because of the official position, must deposit all securities, relating to the trust, with the Deputy Chief Executive (Corporate Direction), unless forbidden by the trust deed.

16. ORDERS FOR WORK, GOODS AND SERVICES

AUTHORISATION

Orders for work, goods or services must be made by the person receipting the work, goods or services. Orders must subsequently be authorised in accordance with authorised approvers and their approval limits.

Orders will be authorised electronically using the Procurement Module of the Civica Authority Financials package or the Orchard system for Housing Repairs.

A. Orders up to £10,000

- Strategic Leadership Board Members may delegate authority for the approval of orders.
- Corporate Operational Board Members in consultation with SLB must compile a schedule of authorised approvers and their approval limits.
- The schedules must be submitted to the Deputy Chief Executive (Corporate Direction).
- The Deputy Chief Executive (Corporate Direction) must be notified immediately of any changes.
- The schedules must be reviewed annually and submitted to the Deputy Chief Executive (Corporate Direction).

B. Orders between £10,001 and £50,000.

- Must be approved by a member of the Corporate Operational Board or Strategic Leadership Board member.

C. Orders over £50,000

- For orders over £50,000 an SLB Member must authorise the order having been provided with evidence that the rules stipulated under the Council's Contract Procedures have been applied.

Where the Council is the lead Authority in procuring goods or services for a number of Authorities it is the gross value of the order that will determine the level of the authorisation required and not the net cost to Hinckley and Bosworth Borough Council.

Similarly, where external funding is to be received, it will be the gross expenditure (and gross funding) that will determine the level of authorisation required.

ORDERS

A. Orders for work, goods and services must not be placed unless the expenditure to be incurred is in accordance with the Financial Procedure Rules.

B. All orders for work, goods and services must be made either by the Council's official order or by formal contract.

C. Where urgent orders are given orally they must be confirmed by an official order not later than the next working day following the day in which the oral order is given. Confirmation orders should be clearly marked as confirmation only.

D. Orders must state clearly:

- The nature and quantity of work, goods or services
- Any agreed prices or contract
- An expenditure code
- An estimated value for commitment purposes

E. The Operations Board member/Manager must ensure that orders for goods and services are proper expenditure and are covered by an approved budget.

CORPORATE PURCHASING

- A. The Head of Service who is the major user of any goods or services, is responsible for obtaining annual contracts for the supply of these items to service areas. Examples would include supplies such as IT equipment, mobile telephones, leased vans and general stationery.
- B. Orders must be placed under the terms of these contracts.
- C. **ALL ICT Requirements are to be submitted to ICT in the first instance.**

PROCEDURE

- A. The current Contract Procedure Rules and Financial Procedure Rules regarding revenue and capital budgets must be strictly observed.
- B. Orders must not be split to reduce the value below quotation/ tendering limits.
- C. Orders for more than one year and/or more than one service area must be for the total value over the full period, e.g. an order for goods valued at £2,000 per year for 3 service areas for 5 years is a £30,000 order.

Where the Council is the lead Authority in procuring goods or services for a number of Authorities it is the gross value of the order that will determine the level of the authorisation required and not the net cost to Hinckley and Bosworth Borough Council.

Similarly, where external funding is to be received, it will be the gross expenditure (and gross funding) that will determine the level of authorisation required.

INITIAL CONSIDERATIONS

Before proceeding to raise an order/enter into a new contract for the supply of goods, works or services, the procuring officer should first ensure that there are:

- ◆ No current in-house arrangements in existence
- ◆ No current framework arrangements in place (such as ESPO, YPO, GPS).
- ◆ No current Corporate Contracts in place

If there are such existing arrangements in place, then they should be used wherever possible provided such arrangements provide value for money. Where the procuring officer seeks to utilise alternatives, the Council's Procurement Manager should be consulted. Where the purchase cannot be made utilising these arrangements, the following limits shall apply:

LIMITS

- A. Up to £5,000
- Obtain prices informally to demonstrate value for money.
- B. £5,001 to £20,000
- Obtain two written quotations.
- C. £20,001 to £50,000
- Obtain three written quotations based on a detailed specification **and the Council's Procurement Officer must be consulted.**
- D. £50,001 and above

- The normal tendering procedure set out in Contract Procedure Rules applies **and the Council's Procurement Officer must be consulted.**

E. The most economically advantageous tender where procurement rules provide. If there are exceptional reasons why this should not happen, Executive must be advised of those reasons, under the scheme of delegation.

EXCEPTIONS

General Exceptions

These rules apply to all Goods, Services and Works purchased by the Council, with the following exceptions:

- Procurement of Goods, Services or Works where the procurement procedure to be followed by the Council is the subject of express legislation.
- Low value purchases made by a Purchasing Card that are subject to guidelines issued on the use of Purchasing Cards.
- Works or Services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of £30,000 is first approved by the Chief Executive or Deputy Chief Executive (Corporate Direction). Any contract entered into by the Council under this Exception must not be for a term of more than six months.
- Contracts for the acquisition and disposal of land or property, as these are covered by separate policies and procedures.
- Contracts of employment.
- Works orders with utility infrastructure providers e.g. gas mains.
- Call off or orders placed against Framework Agreements which the Council is permitted to use where the procedures defined in the contract for call off are followed such as ESPO, YPO. GPS.

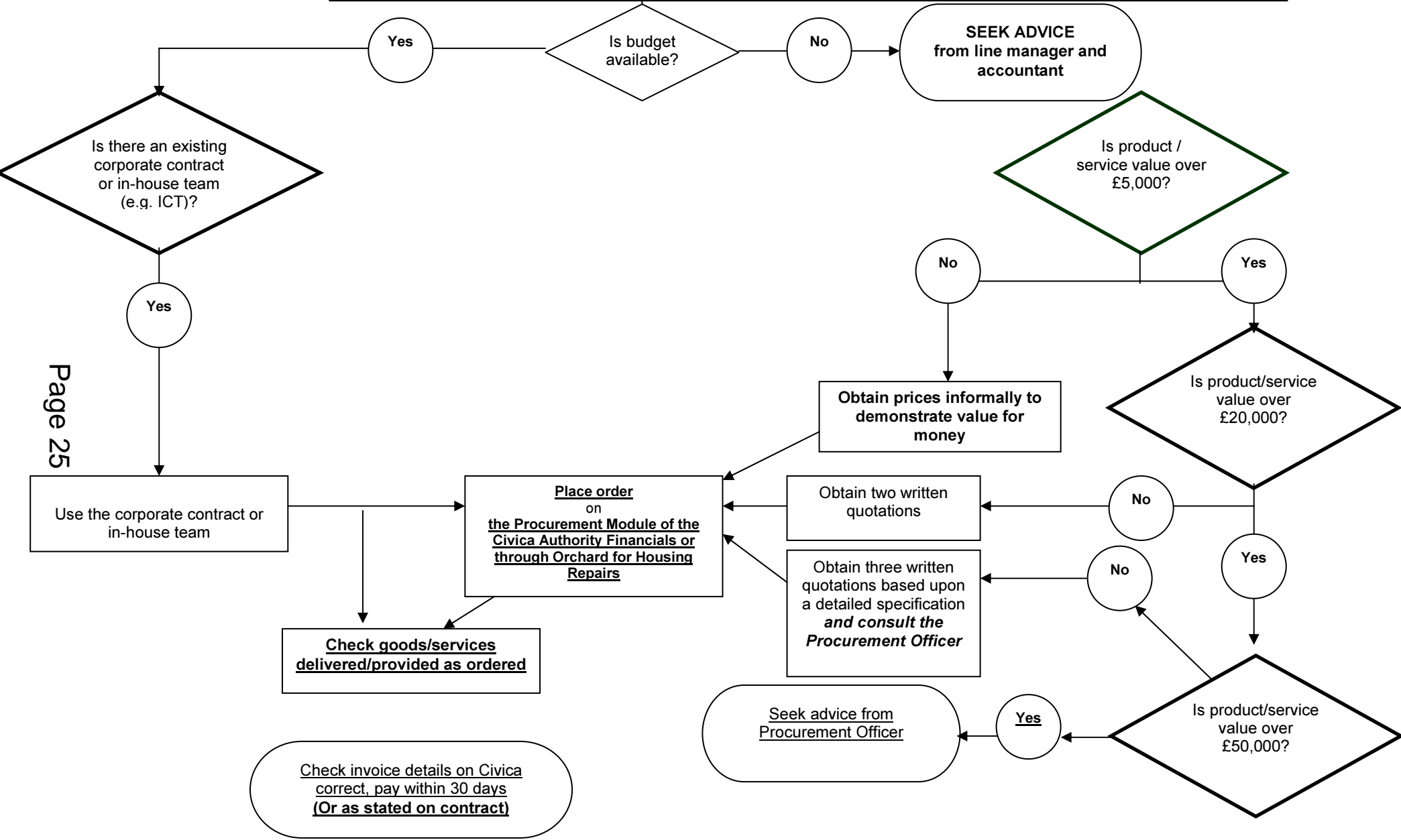
Excluding the general exceptions set out above, an SLB Member, after consulting the Deputy Chief Executive (Corporate Direction), may waive the regulations on annual contracts, order limits in the following circumstances.

- the appropriate SLB Member is of the opinion that the goods or services are supplied only at a fixed price and no reasonably satisfactory alternative is available
- there would be no genuine competition on account of the uniquely specialised nature of the goods/services (sole supplier).
- the appropriate SLB Member is of the opinion that the goods/services consist of repairs/supply of parts to an existing proprietary machinery/plant
- the contract consists of goods/services the same as currently in use by the Council, which are required in the interest of standardisation for maintenance or for other special reasons
- the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract and the proposed extension is at a value not greater than the original contract sum plus RPI and it is considered by the relevant SLB Member that, taking into account the cost of re-tendering, the Council is unlikely to benefit from a reduced contract sum.
- the SLB Member determines that work, goods, materials or services are required so urgently that there is not time to invite quotations/tenders, or where compliance would mean that less favourable terms or conditions would have to be accepted.
- goods purchased at public auction.

- h) where purchases are made as a consequence of an existing in-house contract.
- i) where purchases are made as a consequence of a contract made by another local authority (e.g. ESPO), the benefits of which the Council obtain as a result of participation in a consortium.
- j) where the Council enters into a contract jointly with one or more other local authorities or partners, one of whom is the “lead authority” for that contract subject to the Chief Executive being satisfied that the Council’s interests will not be adversely affected.
- k) where the officer has made all reasonable endeavours to obtain the minimum number of quotations/tenders and market interest has resulted in less than the minimum being obtained.

IN ALL CASES, THE DECISION SHOULD BE CERTIFIED ON A FORM SIGNED BY AN SLB MEMBER AND THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION) AND RETAINED BY THE COUNCIL’S PROCUREMENT OFFICER

PURCHASING FLOWCHART
Standard goods, services or minor works (eg: stationery, furniture, catering, other supplies)



17. PARTNERSHIPS

- A. A partner is defined as an organisation (private or public) undertaking part funding or participating as a beneficiary in a project.
- B. The Chief Executive or Deputy Chief Executive will advise on the key elements of partnership, including:
- Effective controls that ensure that resources are not wasted.
 - A scheme appraisal for financial viability in both the current and future years.
 - Financial risk appraisal and management.
 - Resourcing, including taxation issues.
 - Audit, security and control requirements.
 - Carry-forward arrangements.
 - Satisfactory accounting arrangements.
- C. The Deputy Chief Executive (Corporate Direction) in consultation with the Deputy Chief Executive (Community Direction) or Chief Executive will ensure that:
- All funding notified by external bodies is received and properly recorded in the authority's accounts.
 - The match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
 - Audit requirements are met.
- D. Chief Officers are responsible for:
- Ensuring that a register of all contracts entered into with external bodies in accordance with procedures specified by the Corporate Services.
 - Ensuring that before entering into agreements with external bodies, a risk management appraisal has been prepared for the Strategic Leadership Board.
 - Ensuring that such agreements and arrangements do not impact adversely upon the services provided by the authority.
 - Ensuring that all agreements and arrangements are properly documented.
 - Providing appropriate information to the Deputy Chief Executive (Corporate Direction) for the Statement of Accounts.
 - Ensuring that all claims for funds are made by the due date.
 - Ensuring that the project progresses in accordance with the agreed plan and that all expenditure is properly incurred and recorded.

18. ENGAGEMENT OF CONSULTANTS

Where the Borough Council has appointed a consultant to supervise a contract, the terms of appointment must require the consultant to satisfy the same Financial Procedure Rules that apply to an officer of the Council.

19. PAYMENT OF ACCOUNTS

- ◆ The Deputy Chief Executive (Corporate Direction) is responsible for the payment of accounts.
- ◆ The payment of accounts (except petty cash) is made by BACS or by cheque.
- ◆ Chief Officers are responsible for examining, verifying and approving all invoices and other payments coming from their service areas/teams.

AUTHORISATION

Invoices will be authorised electronically on the Civica Authority Financials System using the creditors module by officers with an appropriate level of authority.

- A. Payments up to £5,000

- Must be authorised by SLB Member, COB Member or delegated officer.
- COB Members must compile a list of officers authorised to make payments (in consultation with SLB).
- The schedules must be submitted annually to the Deputy Chief Executive (Corporate Direction).
- The Deputy Chief Executive (Corporate Direction) must be notified of any changes immediately.

B. Payments £5,001 to £20,000

- Must be authorised by an SLB Member, COB Member or a manager reporting directly to a Deputy Chief Executive.

C. Payments £20,001 to £50,000

- Must be authorised by an SLB Member or COB Member.

D. Payments over £50,000.

- Must be authorised by an SLB Member.

PAYMENTS

A. The Deputy Chief Executive (Corporate Direction) decides when and how accounts are to be submitted for payment.

B. Before authorising an account, the approving officer must be satisfied that:

- The work, goods or services have been received, examined and approved.
- Prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.
- The expenditure is proper and covered by a current budget.
- Appropriate entries have been made in inventories or stock records.
- The account has not previously been paid.
- The expenditure code is correct.

PAYMENT OF ACCOUNTS

Invoices will be received centrally by the Deputy Chief Executive (Corporate Direction) and must be approved for payment by authorising managers in a timely manner.

The Deputy Chief Executive (Corporate Direction) is entitled to request any information or explanation, which he/she deems necessary.

Officers must not add items to a supplier's invoice.

Any amendments to an invoice must be in ink, initialled and accompanied by a detailed explanation.

Where no external invoice exists (e.g. grant payments) a cheque or bank credit can only be drawn with the agreement of the Deputy Chief Executive (Corporate Direction) and using an appropriately approved voucher.

Chief Officers must ensure that all valid accounts are paid within 30 days or other agreed terms if shorter.

Managers must ensure that the Deputy Chief Executive (Corporate Direction) is informed promptly of any invoice that is in dispute via appropriate use of Civica Authority Financials.

The Deputy Chief Executive (Corporate Direction) must cancel each paid account and retain all paid invoices and certificates.

Chief Officers must submit to the Deputy Chief Executive (Corporate Direction), by the date specified by the Deputy Chief Executive (Corporate Direction), details of any outstanding previous year commitments, where goods have been received but no payment has been made.

20. PETTY CASH

- A. The Deputy Chief Executive (Corporate Direction) may provide petty cash floats for minor expenses. The arrangements for administering such floats must be approved by the Deputy Chief Executive (Corporate Direction).
- B. The Deputy Chief Executive (Corporate Direction) and Heads of Service are responsible for making arrangements for the safe keeping and proper use of all petty cash floats.
- C. Petty cash should only be used for small transactions where it is quicker and more efficient to buy goods locally rather than by official order.
- D. All petty cash claims must be correctly coded and be accompanied by an official receipt.
- E. The Deputy Chief Executive (Corporate Direction) and Chief Officers must ensure that there are monthly reconciliations of the petty cash records to the actual cash held.
- F. The imprest form of accounts must be used for these advances.
- G. Income must not be paid into an imprest account.
- H. Payments from an imprest account:
 - Are restricted to minor items of expenditure not exceeding £150
 - Are other items specifically approved by the Deputy Chief Executive (Corporate Direction)
 - Claims must be supported by a voucher and VAT receipt
- I. Certification must be by the Chief Officer, Head of Service or delegated officer.
- J. An officer responsible for an imprest account must :
 - Give the Deputy Chief Executive (Corporate Direction), on request, a certificate as to the state of the account.
 - Clear all outstanding claims before the close of business on the last working day in March.
 - Make a full reconciliation as at the end of March to assist in the closure of the Council's accounts.
 - Provide the Deputy Chief Executive (Corporate Direction) with a final reconciliation of the account before leaving the Council's employment.
 - Ensure that the float is returned to Accountancy before leaving the post for which the account was given.

21. PROPERTY

- A. The Chief Officer (Corporate & Customer Resources, Scrutiny and Ethical Standards) will maintain a terrier of all land and property owned by the Borough Council.
- B. The terrier will show the following :
 - The purpose for which land is held
 - Its location, extent and plan reference
 - The holding service
 - The nature of the interest
 - Rents payable
 - Details of tenancies granted
 - Purchase agreement terms
- C. The Chief Officer (Corporate & Customer Resources, Scrutiny and Ethical Standards) (as proper officer) will have custody of all title deeds and documents and make proper arrangements for their security.

22. REVENUE BUDGET (CREATION)

- A. The Deputy Chief Executive (Corporate Direction) at the start of the budget process will prepare a budget strategy each year.
- B. The budget strategy will be consistent with the Medium Term Financial Strategy and will provide the framework for next year's budget.
- C. Executive will approve the budget strategy prior to the preparation of detailed budgets.
- D. The Deputy Chief Executive (Corporate Direction) will decide the form of the detailed revenue budget in line with the policies approved by Executive.
- E. The Deputy Chief Executive (Corporate Direction) will liaise with the Strategic Leadership Board, the Operational Board and all budget holders in order to compile a proposed budget for the next financial year.
- F. Any increases to base budgets (growth items) must be submitted by budget holders and approved by the responsible SLB Member and Deputy Chief Executive (Corporate Direction).
- G. Heads of Service will rigorously review the fees and charges for their services, in accordance with guidelines approved by Executive. They will then submit proposed revised charges to SLB and Executive.
- H. The report to Executive revising the charges will include both the current charges and the proposed revised charges.
- I. Executive will agree the scale of fees and charges and any amendments.
- J. The Deputy Chief Executive (Corporate Direction) (in consultation with SLB) will compile the budgets after taking account of :
 - Staffing and other resources requirements
 - Approved service plans
 - The Capital Programme
 - Any central government limitations
 - The revision of rents, fees and charges
- K. Proposed budgets must be reported to Council (with Executive recommendations) during the February/March period.
- L. Council must have decided on an approved budget before 11th March each year, in order to set the council tax.

23. REVENUE BUDGET (CONTROL)

- ◆ For control purposes, an income or expenditure budget represents a budget line (known as the budget head) in the Capital and Revenue Estimates Book.
 - **Variations of more than 20% but up to £10,000:**
Deputy Chief Executive (Corporate Direction) can approve virement or supplementary budget to a maximum of £200,000 per year in aggregate
 - **Variations between £10,001 and £25,000:**
Chief Executive in consultation with Deputy Chief Executive (Corporate Direction) can approve virement or supplementary budget to a maximum of £500,000 per year in aggregate
 - **Between £25,001 and £50,000:**
Executive can approve virement or supplementary budget to a maximum of £500,000 per year in aggregate
 - **£50,000 and over:**
Request to Council for virement or supplementary budget.

VARIATIONS

- Before approval the Chief Executive will require assurance from the relevant SLB Member that all necessary steps to achieve compensating or additional income savings have been taken.
- If the annual limit in each of the above cases is reached then the variation for which approval is sought will be accelerated to the next level.

BUDGET MONITORING

- A. The Deputy Chief Executive (Corporate Direction) and appropriate officers will supply the Chief Officers with monthly comparative statements of income and expenditure to budget. Heads of Service and delegated officers are responsible for ensuring that controllable budget lines for which they are responsible are not overspent.
- B. The Deputy Chief Executive (Corporate Direction) will ensure that each Head of Service and appropriate officer will receive adequate training to enable them to control those parts of the budget for which they are responsible.

BUDGET REPORTING

- A. Operationally, responsibility for budgets and adherence to Financial Procedures rests with the Chief Officers and the Heads of Service and not the Deputy Chief Executive (Corporate Direction).
- B. The Deputy Chief Executive (Corporate Direction) will submit at least quarterly summaries to SLB and Executive, comparing actual expenditure and income to budget and providing a forecast position to the year end.

24. RISK AND INSURANCES

- A. The Chief Executive and Deputy Chief Executive (Corporate Direction) should have due regard to operational and financial risks and liabilities when considering alternative policies. They also need to consider potential physical risks to persons and assets.
- B. The Deputy Chief Executive (Corporate Direction) is responsible for arranging all insurance cover and negotiating all claims in consultation with other officers where necessary.
- C. Heads of Service must notify the Deputy Chief Executive (Corporate Direction) and the Corporate Performance and Risk Manager immediately, in writing, of :
- All new risks
 - New properties, plant, equipment or vehicles
 - Any other alterations, which may affect existing insurances
 - Any loss, liability or damage
 - Any event, which could possibly result in a claim
- D. Each Head of Service must keep records and ensure that engineering plant is inspected within the limits defined in the Factories Act.
- E. The Deputy Chief Executive (Corporate Direction) must be notified immediately of any failure by the insurance company to adhere to the proper inspection period.
- F. The Deputy Chief Executive (Corporate Direction) must consult Chief Officers and Heads of Service when renewing the Fidelity Guarantee insurance, to ensure that all appropriate employees are included.

- G. The Deputy Chief Executive (Corporate Direction) must consult Chief Officers and the Corporate Performance and Risk Manager in a regular review of all insurances.
- H. Chief Officers must consult the Deputy Chief Executive (Corporate Direction) and the Chief Officer (Corporate & Customer Resources, Scrutiny and Ethical Standards) and /or Law and Governance Manager on the terms of any indemnity requested of the Council.

25. SALARIES, WAGES AND PENSIONS

- A. The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) is responsible for the payment to all current and former employees of :
- Salaries
 - Wages
 - Pensions
 - Compensation
 - Other emoluments
- B. Chief Officers and Heads of Service must notify the Chief Officer (Corporate & Customer Resources, Scrutiny and Ethical Standards) immediately, of any matters affecting the payment of employees, including:
- Commencement of employment, resignation, dismissal, suspension, secondment or transfer.
 - Absence from duty for sickness or other reason (excluding approved leave).
 - Regrading
- C. Heads of Service are responsible for the accuracy of :
- Records of attendance
 - Holiday entitlement
 - Absence
- D. Records must be certified by:
- The Head of Service or,
 - An officer authorised by the Head of Service
- E. A schedule of authorised officers with specimen signatures must be prepared by Heads of Service in consultation with the Chief Officers and updated annually.
- F. Copies of the schedules must be sent to the Head of Corporate & Scrutiny Services.
- G. Employees must be appointed in accordance with the regulations of the Council and the approved establishment, grades and pay rates.
- H. Heads of Service must provide the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) with all the information necessary to maintain proper records of service, pension, income tax and national insurance.
- I. Overtime and travel expense claims must be certified by any one of:
- Line Manager
 - Head of Service
 - Chief Officer
- J. Time sheets must be certified by any one of:
- Line Manager
 - Head of Service
 - Chief Officer
- K. Salary or wages will only be paid in advance if an employee is leaving the Council before the day on which his salary would normally be paid.
- L. The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) is authorised to apply any salary or wage award, expense or other approved allowance.

26. SECURITY

- A. Each Head of Service is responsible for controlling in their service area, the security of the following:
- Buildings
 - Stocks
 - Furniture
 - Equipment
 - Cash
- B. Chief Officers and Heads of Service must consult the Deputy Chief Executive (Corporate Direction) and the Corporate Property Officer, if they suspect that security may be defective or that special arrangements may be needed.
- C. After consulting Chief Officers and/or Heads of Service, the Deputy Chief Executive (Corporate Direction) will set maximum limits for cash holdings and these must not be exceeded without express permission.
- D. Keys to safes, secure Cabinets etc. must be kept secured by the person responsible at all times.
- E. Loss of keys must be reported immediately to the Deputy Chief Executive (Corporate Direction) and the Corporate Property Officer, who may notify the police.
- F. It is the responsibility of the Deputy Chief Executive (Corporate Direction) to maintain proper security and privacy, in connection with the computer installation and its use.
- G. All officers must be issued with an appropriate form of identification.
- H. Officers working away from council establishments must have an additional form of identification which specifies:
- The officer's powers of entry, search or seizure.
 - The duties that can be carried out by the officer.

27. STAFFING CHANGES

- A. Chief Officers must inform the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) of all approved staffing re-grading and changes to staffing establishment.
- B. Heads of Service will be responsible for ensuring that ongoing budgets are available for all staffing establishment changes where there is a financial implication.
- C. All additional posts will be reviewed by the Corporate Operations Board.
- D. Each month the Deputy Chief Executive (Corporate Direction) will report to the Strategic Leadership Board on the employee expenditure budget and spend to date.
- E. Heads of Service will be responsible for reporting on staffing variances and provide reasons for such variances.

28. TRAVELLING, SUBSISTENCE AND FINANCIAL LOSS ALLOWANCES

- A. The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) is responsible for all reimbursement of expenses to officers and members that are not administered through Petty Cash.
- B. All claims by staff must be submitted on the form provided by the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) for:
- Car Allowances
 - Subsistence Allowances

- Travelling
 - Incidental expenses
- C. All such monthly claims must be properly certified and submitted to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards no later than the 13th of the next month.
- D. Claims must be certified by any one from :
- Chief Officer
 - Head of Service
 - Line Manager
- E. A schedule of officers authorised to certify claims (with specimen signatures) must be sent by the Chief Officer or the Head of Service to the Chief Officer (Corporate & Customer Resources, Scrutiny and Ethical Standards) (with a copy to the Deputy Chief Executive (Corporate Direction)), who must be notified immediately of any changes.
- F. A complete review of the schedule must be carried out annually.
- G. A certification means that the certifying officer is satisfied that :
- The journeys authorised are reasonable
 - The expenses were properly and necessarily incurred
 - The allowances are payable by the Council
- H. Any officer's claim submitted more than two months after the expenses were incurred will only be paid with the express approval of the Head of Corporate Services.
- I. Members (including co-opted members) of the Council or its committees wishing to claim travelling or other allowances must make their claim on the appropriate form to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards).
- J. All claims are to be submitted promptly and within two months of the event being claimed.

29. GLOSSARY OF COMMON FINANCIAL TERMS

- **ACCRUAL** : The inclusion of expenditure or income in the old financial year when the goods or services have been received, but the invoicing and actual payment does not take place until the new financial year.
- **BACS** : Banks Automated Clearing System
- **BOND** : A security obtained by a contractor, usually with an insurance company or bank. If the contractor fails to complete the contract, any extra costs incurred by the Borough Council, in getting the contract completed, can be claimed against the bond.
- **BUDGET OR BUDGET HEAD** : For the purposes of the Financial Procedure Rules a budget or budget head is a single line in the Borough Council's Capital and Revenue Estimates Booklet
- **CAPITAL** : **Expenditure** on acquiring or improving assets, which provide a benefit lasting more than one year. The making of grants or loans to assist them to obtain or improve an asset.
- **FIDELITY GUARANTEE** : A type of insurance, which protects the Borough Council from losses arising from theft by or fraud of employees.
- **IMPREST** : An account of a set value, which is used to meet frequent, usually small value expenses. When the balance runs low a reimbursement is requested to top it up to the set value.
- **I.T.** : Information Technology
- **QUOTATION** : The price, provided by a supplier of goods or services, which is not controlled by the strict procedures of the tender system.
- **REVENUE** : The day to day, recurring income and expenditure necessary to provide Council services.

- **SUPPLEMENTARY ESTIMATE:** This is either an addition to an existing budget or an entirely new budget, which is not part of the published budget.
- **TENDER :** The bids for a contract, which must be submitted according to a strict procedure laid out in the Council's Procedure Rules and which must all be opened at the same time.
- **TREASURY MANAGEMENT :** The process of managing the cash flow, investment and borrowing.
- **TREASURY MANAGEMENT POLICY :** This is a statement stating the policies and objectives of the Treasury Management activities.
- **TREASURY MANAGEMENT PRACTICES (TMP's) :** Sets out the manner in which the Borough Council will seek to achieve those policies and objectives, prescribing how it will manage and control those activities.
- **VIREMENT :** The transfer of all or part of one budget to another budget heading.
- **VOUCHER :** A form generally used as a substitute for an invoice.

CONTRACT PROCEDURE RULES

1. GENERAL

- 1.1 The following contract procedure rules form part of the Council's Constitution and set out the procedures by which the Council will enter into contracts for the provision of goods, services, materials and work. Every contract made by or on behalf of the Council shall comply with these procedure rules and no exception from any of the provisions shall be made otherwise than by direction of the Council or under Rule 4.2.
- 1.2 The Rules do not apply to contracts for the sale or purchase of land or buildings. Every contract relating to the sale or purchase of any land or buildings shall be in writing and be signed on behalf of the Council by the appropriate Chief Officer. Purchase of land should not be above the current market value as determined by the Council's valuer and sales of land should not be below the current market value as determined by the Council's valuer. Where this is not the case a report should be made to Executive or Council as appropriate.
- 1.3 Subject to Rule 1.2 every contract made by or on behalf of the Council shall comply with
 - 1.3.1 these Contract Procedure Rules
 - 1.3.2 the Council's Financial Procedure Rules
 - 1.3.3 the Council's Constitution
 - 1.3.4 all relevant statutory provisions including any relevant E.C. directive
 - 1.3.5 any direction by the Council, Executive, Committee, Sub-Committee or other group having appropriate delegated authority.
- 1.4 These Contract Procedure Rules shall not apply or may be varied where or to the extent that:
 - 1.4.1 the Council so resolves
 - 1.4.2 statute or subordinate legislation prescribes otherwise
- 1.5 Within these rules the term "Chief Officer" shall be deemed to include the Chief Executive and all members of the Strategic Leadership Board (SLB). A Chief Officer is a member of SLB, but not the Chief Executive.

2 DELEGATED AUTHORITY TO ENTER INTO CONTRACTS

- 2.1 Every Chief Officer in relation to the work of his/her Department shall have power to accept tenders (where required) and to enter into contracts on behalf of the Council.

3 CONTRACTS OF UP TO £50,000

Tenders need not be invited for contracts estimated to have a value of £50,000 or less but quotations shall be obtained in accordance with the Council's Financial Procedure Rules.

4 REQUIREMENTS FOR TENDER

- 4.1 Subject to the exceptions in Rule 4.2 below, tenders shall be invited where the contract sum is estimated to be £50,001 and above.
- 4.1 Notwithstanding compliance with EU Public Procurement Rules, Tenders need not be invited where:

- Procurement of Goods, Services or Works where the procurement procedure to be followed by the Council is the subject of express legislation.
- Low value purchases made by a Purchasing Card that are subject to guidelines issued on the use of Purchasing Cards.
- Works or Services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of £30,000 is first approved by the Chief Executive. Any contract entered into by the Council under this Exception must not be for a term of more than six months.
- Contracts for the acquisition and disposal of land or property, as these are covered by separate policies and procedures.
- Contracts of employment.
- Works orders with utility infrastructure providers e.g. gas mains.
- Call off or orders placed against Framework Agreements which the Council is permitted to use where the procedures defined in the contract for call off are followed such as ESPO, YPO, GPS.

4.2 Notwithstanding compliance with EU Public Procurement Rules, Tenders also need not be invited where

- i) the appropriate Chief Officer is of the opinion that the goods or services are supplied only at a fixed price and no reasonably satisfactory alternative is available. Such instances must be brought to the attention of the Deputy Chief Executive (Corporate Direction).
- ii) there would be no genuine competition on account of the uniquely specialised nature of the goods/services (sole supplier). Such instances must be brought to the attention of the Deputy Chief Executive (Corporate Direction).
- iii) the appropriate Chief Officer is of the opinion that the goods/services consist of repairs/supply of parts to an existing proprietary machinery/plant
- iv) the contract consists of goods/services the same as currently in use by the Council, which are required in the interest of standardisation for maintenance or for other special reasons. In such a case a report should be prepared and presented to SLB stating such reasons.
- v) the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract and the proposed extension is at a value not greater than the original contract sum plus RPI and it is considered by the relevant Chief Officer that, taking into account the cost of re-tendering, the Council is unlikely to benefit from a reduced contract sum. The relevant Chief Officer must obtain Executive approval by submitting a report to Executive setting out his/her proposal.
- vi) the Chief Officer certifies on a form, approved by the Chief Executive and the Deputy Chief Executive (Corporate Direction), that work, goods, materials or services are required so urgently that there is not time to invite tenders, or where compliance would mean that less favourable terms or conditions would have to be accepted; and subsequently submits the certificate to the next meeting of the Executive and the Executive accordingly approves the exception.
- vii) goods purchased at public auction.
- viii) where purchases are made as a consequence of an existing in-house contract.
- ix) where purchases are made as a consequence of a contract made by another local authority (e.g. ESPO), the benefits of which the Council obtain as a result of participation in a consortium.
- x) where the Council enters into a contract jointly with one or more other local authorities or partners, one of whom is the "lead authority" for that contract subject to the Chief Executive being satisfied that the Council's interests will not be adversely affected.

IN ALL CASES, THE DECISION SHOULD BE CERTIFIED ON A FORM SIGNED BY AN SLB MEMBER AND THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION) AND RETAINED BY THE COUNCIL'S PROCUREMENT OFFICER

- 4.3 Where tenders are required the Council's Procurement Officer must be notified and one of the following methods shall be used:
- 4.3.1 Open competitive tender (Rule 5)
 - 4.3.2 Ad hoc approved list (Rule 6)
 - 4.3.3 Standing approved list (Rule 7)
 - 4.3.4 Pre-vetted company list (Rule 8)
 - 4.3.5 Established procurement specialist (Rule 9)

5 OPEN COMPETITIVE TENDERS

5.1 Tenders shall be invited after giving at least 14 days public notice in at least two of the following media stating the nature and purpose of the contract, inviting tenders and stating the last date when tenders will be accepted. However, when a tender falls under the scope of EC Public Procurement Rules, their timescales and advertising requirements shall apply (seek advice from the Council's Procurement Officer).

- The Council's website
- Source East Midlands website, the advert will be placed on the HBBC affiliates page of Source Leicestershire and will be carried on Seven Counties websites
- The local newspapers circulating in the Borough, especially where there may be local interest in the business opportunity offered
- Appropriate trade journal
- Appropriate national press

6 AD HOC APPROVED LIST

6.1 Tenders shall be invited after giving notice in the manner set out in Rule 5 seeking applications to be placed on a list from which selected contractors will be invited to submit tenders. However, when a tender falls under the scope of EC Public Procurement Rules, their timescales and advertising requirements shall apply (seek advice from the Council's Procurement Officer).

7 STANDING APPROVED LIST

7.1 Tenders shall be invited from persons included in a list approved by the Council for the supply of goods or materials of specified categories values or amounts or for the carrying out of specified categories of work

7.2 The list shall be compiled in the following manner:

- 7.2.1 Notices inviting applications for inclusion in the list shall be published not less than 28 days before the list is compiled in at least one local newspaper and one trade journal.
- 7.2.2 No person shall be included in the list unless, at the time of compilation of the list, the Deputy Chief Executive (Corporate Direction) is satisfied as to his or her financial status and general suitability.
- 7.2.3 The approved list may be amended as required from time to time by the Council and shall be reviewed at intervals not exceeding two years.

8 ESTABLISHED PROCUREMENT SPECIALIST

- 8.1 Where large, high value tender exercises take place, in areas in which the Council have limited expertise, it may be necessary to engage the use of established procurement specialists. These specialists will undertake the tender process on behalf of the Council. At all times, such specialists shall comply with the Council's Financial and Contract Procedure Rules.

9 **SELECTION OF TENDERERS OR INVITEES**

- 9.1 The selection of persons from whom tenders shall be invited shall be delegated to the appropriate Chief Officer or his/her nominated representative.
- 9.2 In inviting applications for inclusion in a list of tenderers or in selecting persons from whom tenders are to be invited, steps shall be taken to ensure fair competition.

10 **FORM OF INVITATION TO TENDER AND SUBMISSION OF TENDERS**

- 10.1 All tenders shall be required to be submitted on a Form of Tender approved by the Deputy Chief Executive (Corporate Direction) or his nominated representative. This Form shall include a statement that the Council will not be bound to accept any tender and reserves the right to accept a tender other than the one which is the most favourable or not to accept any tender at all.
- 10.2 The invitations to tender shall state that no tender will be considered unless contained in a unmarked plain sealed envelope and endorsed "Tender" followed by the subject to which it relates.
- 10.3 Every tender shall be addressed to the Deputy Chief Executive (Corporate Direction) and the tender shall remain in his custody, or that of his nominated representative, until the time appointed for its opening.
- 10.4 A Tender Instruction Form is to be completed prior to invitations to tender being issued, detailing tenderers and the return date and time. Once completed, this form is to be sent to the Procurement Officer.
- 10.5 Tenders may not be submitted by normal e-mail and can only be received electronically through secure software designed and approved for the purpose. In the absence of such software, tenders are to be returned in hard copy (including hard electronic media such as CDs only)
- 10.6 Tender packets or envelopes received must be date stamped and time of receipt recorded and locked away until the specified time for their opening.

11 **EXTENSION OF TIME**

- 11.1 Where the appropriate Chief Officer considers it to be in the best interests of the Council the time within which tenders must be received may be extended after giving notice of such extension of time in the following manner: -
- 11.1.1 **Open competitive tenders** - in accordance with paragraph 5.
- 11.1.2 **Ad hoc approved list/Pre-vetted company list/ Established procurement specialist** - by giving written notice to each of the selected contractors.
- 11.1.3 **Standing approved list** - by giving written notice to each of the relevant persons on the list.

12 **OPENING OF TENDERS**

- 12.1 All tenders for a contract shall be opened at the same time and within a maximum period of two hours after the closing time for the acceptance of tenders. The tenders will be opened in the

presence of the Deputy Chief Executive (Corporate Direction) and another Head of Service or any such Officer(s) designated for the purpose.

12.2 The Deputy Chief Executive (Corporate Direction) or his duly authorised representative shall prepare and maintain a register of tenders received and shall record in that register the following particulars:

12.2.1 the last date and time for the receipt of tenders

12.2.2 the date and time the tender was actually received

12.2.3 the name of the tenderer and the amount of the tender

12.2.4 the date and time they were opened.

12.2.5 the signature of the officer to whom the tenders were issued after opening.

12.3 All persons required to be present at the opening of tenders shall immediately sign against the relevant particulars in the register and shall also sign the tender as evidence of such tenders having been opened by them or in their presence.

12.4 Following the opening of tenders invited in accordance with Rules 6 or 7 the Chief Officer shall write to all persons who were invited to tender but who failed to tender to ascertain the reasons for that failure.

15 **LATE TENDERS**

15.1 Any tender received late will be returned promptly to the tenderer by the Head of Service concerned.

15.2 A late tender which has been received, subject to Rule 14.1 above, may be opened in the presence of the Deputy Chief Executive (Corporate Direction) and another Chief Officer or such Officer(s) designated for the purpose, to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.

16 **ALTERATIONS TO TENDERS**

16.1 Where the tender reveals errors or discrepancies, which would affect the tender figure in an otherwise successful, tender, the tenderer shall be told of the errors and discrepancies and given an opportunity of confirming, correcting or withdrawing the offer.

17 **ACCEPTANCE OF TENDERS**

17.1 In accepting a tender, consideration will be given to price and quality. A suitable pre-determined price-quality model (Evaluation Model) will be devised by the appropriate Chief Officer in conjunction with the Council's Procurement Officer and will be approved by the Deputy Chief Executive (Corporate Direction). Selection of the best tender will be based on this evaluation.

18 **CONTRACTS TO BE IN WRITING**

18.1 Every contract shall be in writing in a form approved by the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) or his/her nominated representative.

18.2 Every contract shall specify, amongst other things:

18.2.1 the goods, materials, works, matters, or things, to be furnished, supplied or done (including any appropriate technical specifications)

18.2.2 the price to be paid with a statement of discount or other deductions

18.2.3 where applicable, the time or times that the contract is to be performed

18.2.4 how the contractor will be accountable for performance, and any information or reports that he will be required to submit. A statement will be included that the contractor will also be accountable under the Council's scrutiny rules.

18.3 The appropriate Chief Officer shall sign every contract not required to be made under seal on behalf of the Council.

18.4 The Proper Officers shall seal every contract required or intended to be made under seal on behalf of the Council.

19 **ASSIGNMENT**

19.1 In every written contract for the execution of work or the supply of goods or materials, the following clause shall be inserted:

19.2 "The contractor shall be prohibited from transferring or assigning directly or indirectly, to any person or persons whatever, any portion of the contract without the written permission of the Council. Sub-letting of any part(s) of the work, except to the extent permitted in writing by the officer concerned, shall be prohibited"

20 **LIQUIDATED DAMAGES**

20.1 Every contract that exceeds £50,000 shall, where considered appropriate by the appropriate Chief Officer, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. The amount to be specified in each such contract shall be determined in consultation with the Chief Officer concerned and the Deputy Chief Executive (Corporate Direction).

21 **PERFORMANCE BONDS**

21.1 Where a contract is estimated to exceed £150,000 in value and is for the execution of the works, or for the supply of goods or materials by a particular date or series of dates, the Chief Officer concerned in consultation with the Deputy Chief Executive (Corporate Direction) shall consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or shall specify in the conditions of tender the nature and amount of any security to be given. In the latter event, the Council shall require and will take a bond or other sufficient security for the due performance of the contract.

22 **RETENTION**

22.1 Works contracts, which are estimated to exceed £50,000 in value, will be subject to a defects period. The Council will retain a percentage of the monies due to the contractor for a period that the relevant Chief Officer deems appropriate, having regard to the current practice in the relevant industry and to the circumstances of the contract.

23 **AGENCY WORK**

23.1 Where goods or materials are to be used by the Council or services provided to the Council in connection with works carried out by the Council under an agency agreement, then Rule 4.3. shall be deemed to have been complied with if the Principal has approved the Standing Approved List or Ad hoc List.

24 **CANCELLATION**

24.1 Every contract will include a clause allowing the Council to cancel the contract and to recover costs if the contractor has offered, or given, any gift or consideration whatsoever as an

inducement or reward to obtain the contract, or any other contract with the Council. This will include acts by any contractor which represent an offence under the Prevention of Corruption Acts 1989 to 1916 or any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act 1972

25 NOMINATED SUB-CONTRACTORS

- 25.1 Subject to 18.2, where a sub-contractor or supplier is to be nominated to a main contractor the following provisions shall have effect.
- 25.2 Where the estimated amount of a sub-contract exceeds £50,000 then, unless the appropriate Chief Officer certifies that it is not reasonably practicable to obtain competitive tenders, tenders for the nomination shall be invited and dealt with in accordance with these Contract Procedure Rules as if they were for a contract with the Council.
- 25.3 A nominated sub-contractor must be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his own obligations under the main contract in relation to the work or goods included in the sub-contract.

26 ENGAGEMENT OF CONSULTANTS

- 26.1 In the event of the Council engaging the services of consultants these Contract Procedure Rules will apply.

27 COMPLIANCE WITH RULES

- 27.1 Each Chief Officer and budget holder will ensure that contract rules are complied with, that the Council obtains value for money and that the goods, services, materials or works required are necessary and appropriate

28 BREACHES OF RULES

- 28.1 Where a Chief Officer discovers that there has been a breach of Rules in his/her Service Area then he/she will consult the Deputy Chief Executive (Corporate Direction) and instigate appropriate action. This may include, following consultation with the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards), consideration of invoking the Council's disciplinary procedure and reporting to Executive as necessary.

29 REVIEW OF FINANCIAL LIMITS

- 29.1 The Council shall review the financial limits annually.

Officer Employment Procedure Rules

1. RECRUITMENT AND APPOINTMENT

1.1 Declarations

- i) The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing Councillor or officer of the Council; or of the partner of such persons.
- ii) No candidate so related to a Councillor or an officer will be appointed without the authority of the Chief Executive or an officer nominated by him/her.

1.2 Seeking support for appointment.

1.2.1 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.

1.2.2 No councillor will seek support for any person for any appointment with the Council.

2. RECRUITMENT OF CHIEF EXECUTIVE AND CHIEF OFFICERS

2.1 Where the Council proposes to appoint a Head of Paid Services (Chief Executive), a Deputy Chief Executive or a Chief Officer and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

2.1.1 draw up a statement specifying:

2.1.1.1 the duties of the officer concerned; and

2.1.1.2 any qualifications or qualities to be sought in the person to be appointed;

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

2.3 make arrangements for a copy of the statement mentioned in paragraph (2.1.1) to be sent to any person on request.

Officers below Chief Officer level

3. Subject to paragraphs 4 and 8, the appointment and dismissal of, and taking disciplinary action against, an employee of the Council must be undertaken, on behalf of the Council, by the Chief Executive as Head of Paid Service, or by an officer nominated by him or her.

4. Paragraph 3 shall not apply to the appointment or dismissal of, or disciplinary action against:-

- (a) the Chief Executive (Head of Paid Service);
- (a) a Chief Officer (including the Deputy Chief Executive); or
- (b) an assistant for a political group.

5. APPOINTMENT, DISMISSAL OF CHIEF EXECUTIVE, CHIEF OFFICERS AND DEPUTIES

5.1 Where the Ethical Governance & Personnel Committee is discharging, on behalf of the Council, the function of the appointment or dismissal of the Head of Paid Service, the full Council must approve that appointment before an offer of appointment is made or, as the case may be, must approve that dismissal before notice of dismissal is given.

- 5.2 Where the Ethical Governance & Personnel Committee is discharging, on behalf of the Council, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b) or (c) of paragraph 4, at least one member of the Executive must be a member of that committee or sub-committee.
6. An offer of an appointment as an officer referred to in sub-paragraph (a), (b) or (c) of paragraph 4 must not be made until:-
- 6.1 the proper officer has been notified of the name of the person to whom the Personnel Committee wishes to make the offer and any other particulars which the Committee or sub-committee considers are relevant to the appointment;
- 6.2 the proper officer has notified every member of the Executive of:-
- 6.2.1 the name of the person to whom the Committee wishes to make the offer (in the case of the appointment of the Head of Paid Service, subject to approval of the Council).
- 6.2.2 any other particulars relevant to the appointment which the Committee has notified to the proper officer; and
- 6.2.3 the period within which any objection to the making of the offer of appointment is to be made by the Leader on behalf of the Executive to the proper officer; and
- 6.3 either:-
- 6.3.1 the Leader has, within the period specified in the notice under sub-paragraph 6.2.3, given notice that neither he or she nor any other member of the Executive has any objections to the making of the offer;
- 6.3.2 the proper officer has given notice that no objection was received by him within that period from the Leader; or
- 6.3.3 the Ethical Governance & Personnel Committee appointed for the purpose (and in the case of the appointment of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader within that period is not material or well-founded.
7. Notice of the dismissal of an officer referred to in sub-paragraph (a), (b) or (c) of paragraph 4 must not be given until:-
- 7.1 the Ethical Governance & Personnel Committee has notified the proper officer of the name of the person who it wishes to dismiss (in the case of the Head of Paid Service, subject to the approval of the Council) and any other particulars which it considers are relevant to the dismissal;
- 7.2 the proper officer has notified the Leader and every member of Executive of:-
- 7.2.1 the name of the person who the Committee wishes to dismiss;
- 7.2.2 any other particulars relevant to the dismissal which the Committee has notified to the proper officer; and
- 7.2.3 the period within which any objection to the dismissal is to be made by the Leader on behalf of the Executive to the proper officer; and
- 7.3 either:-
- 7.3.1 the Leader has, within the period specified in the notice under paragraph 7.2.3, given notice that neither he or she nor any other member of the Executive has any objection to the dismissal;

7.3.2 the proper officer has given notice that no objection was received by him within that period from the Leader; or

7.3.3 the Ethical Governance & Personnel Committee (or in the case of the proposed dismissal of the Head of Paid Service, the full Council) is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

8. **APPEALS**

8.1 Nothing in paragraph 3 shall prevent a person from serving as a member of any committee or sub-committee established by the Council to consider an appeal by:-

(a) another person against any decision relating to the appointment of that other person as an employee of the Council; or

(b) an employee of the Council against any decision relating to the dismissal of, or taking disciplinary action against, that employee.

9. **DISCIPLINARY ACTION - HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER**

9.1 No disciplinary action in respect of the Council's Head of Paid Service, its Monitoring Officer or its Chief Finance Officer, except action described in paragraph 9.2, may be taken by the Council, or by a committee, a sub-committee, a joint committee on which the Council is represented or any other person acting on behalf of the Council, other than in accordance with a recommendation in a report made by a designated independent person under regulation 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (investigation of alleged misconduct).

9.2 The Head of Paid Service, Monitoring Officer or Chief Finance Officer may be suspended by the Ethical Governance & Personnel Committee or an Investigating Committee appointed by Council for the purpose of investigating the alleged misconduct occasioning the action, and any such suspension must be on full pay and terminate no later than the expiry of two months beginning on the day on which the suspension takes effect.

10. **POLITICAL ASSISTANTS**

10.1 The Council will not authorise any appointment of a political assistant to a political group until such posts have been allocated to all groups qualifying for one.

10.2 The Council will not allocate more than one post to any political group.

Part 5

Protocol for Members' Conduct

1. The Office of Mayor

- (1) The Mayor is traditionally non-party political during his/her year of office and represents the Council at the highest level ceremonially. The Mayor has the primary duty to act as Chairman of full Council and is expected to conduct this role fairly and without favour.
- (2) All Members must have respect for the office of Mayor. They should recognise his/her ceremonial leadership. They should stand when the Mayor enters a Council meeting and respect his decisions during conduct of the business.
- (3) Members must stand when they speak in a Council meeting but should defer to the Mayor if he or she stands to speak.

2. Formal Meetings

- (1) Councillors should do their very best to attend all meetings within the Council and of any outside bodies on which they represent the authority. Where they are unable to attend, they should give apologies and a brief reason for their absence such as "Personal Reasons", "Work Commitments" or "Other Council Business".
- (2) Members should respect the degree of formality of a meeting by choosing an appropriate dress code, particularly at Council.
- (3) At formal meetings, respect for other Members should be demonstrated by addressing them or referring to them as "Councillor" This need not be maintained in less formal meetings such as working parties.
- (4) Within debate, differences of opinion, both personal and political, must be recognised and respected. However, it is acceptable for a Member to express disagreement with another Member's view or action, or to question them.
- (5) A Member should not level personal criticism or attempt to belittle or undermine another Member either openly or covertly. This applies either within a meeting or outside the Council.
- (6) The Chairman of a meeting has a role to play in maintaining the high standards laid down in the Constitution and associated Codes of Conduct and Protocols.

CODE OF CONDUCT OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the Council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code.

As a Councillor you are a representative of the Council and the public and other stakeholders will form a view of Hinckley and Bosworth Borough Council as a result of your actions. As such you must conduct yourself in a manner which is consistent with the Council's duty to promote and maintain high standards of conduct of Councillors.

- (i) **Selflessness** As a public figure you serve only the public interest and should not do so in order to gain financial or other benefits for themselves, your family or your friends.
- (ii) **Integrity** You should avoid placing yourself under any financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (iii) **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, you should make choices on merit.
- (iv) **Accountability** You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate to your office.
- (v) **Openness** You should be as open as possible about all the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.
- (vi) **Honesty** You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (vii) **Leadership** You will promote and support these principles by leadership and example.

PART 1
GENERAL PROVISIONS

1. Introduction and Interpretation

- 1.1 You should read this Code in conjunction with the Council Procedure Rules as detailed in the Constitution.
- 1.2 This Code applies to **you** as a member of Hinckley and Bosworth Borough Council.
- 1.3 It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.
- 1.4 In this Code:
- “**Meeting**” means any meeting of:
- (a) the Authority;
 - (b) the Cabinet of the Authority;
 - (c) any of the Authority’s or its Cabinet’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
- 1.5 “**Member**” means any person being an elected or co-opted member of the Authority and any independent person appointed by the Authority to assist with the discharge of the Code of Conduct functions.
- 1.6 In relation to a parish council, references to an authority's Monitoring Officer and an authority's Standards Committee shall be read, respectively, as references to the Monitoring Officer and the Standards Committee of the Borough Council which has functions in relation to the parish council for which it is responsible under Section 55(12) of the Local Government Act 2000.

2. Scope

- 2.1 You must comply with this Code whenever you
- 2.1.1 act, claim to act or give the impression you are acting as a representative of your Authority
 - 2.1.2 conduct the business of your Authority (which, in this Code, includes the business of the office to which you are elected or appointed)
- 2.2 Where you act as a representative of Hinckley and Bosworth Borough Council
- 2.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct
 - 2.2.2 on any other body, you must, when acting for that other body, comply with this Code of Conduct except in so far as it conflicts with any other lawful obligations to which that other body may be subject.

- 2.3 in addition to having effect in relation to conduct in your official capacity, the Code also has effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- 2.4 Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

3. Other Obligations

In addition to the above principles, you will:-

- (a) Strive to establish respectful and courteous relationships with everyone you come into contact with as Councillors. You will also respect the political impartiality and integrity of the Council's statutory officers and its other employees.
- (b) Follow the law in relation to policies of the Council and its legal obligations.
- (c) Not to disclose or use confidential information for any other purpose other than that provided by the law.
- (d) Use those particular council resources provided for the undertaking of the Council duties in accordance with the Council's policies and not for any other purposes.

PART 2

INTERESTS

4. Disclosable Pecuniary Interests

4.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- (i) yours,
- (ii) your spouse's or civil partner's
- (iii) somebody with whom you are living as husband and wife or civil partners
- (iv) that of your family,
- (v) close associate.

and you are aware that that person has the interest

- 4.2 Subject to Paragraph 11, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest or change pursuant to Paragraph 4.1
- 4.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State
- 4.4 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you

have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.

- 4.5 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.
- 4.6 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest, unless members of the public are allowed to make representations, give evidence or answer questions about the matter.

5. Disclosable Non-Pecuniary Interests

- 5.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of
 - (a) this code being adopted or
 - (b) your election or appointment (where that is later)notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests.
- 5.2 You have a Disclosable Non-Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State
- 5.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

6. Dispensations

- 6.1 Dispensations may be granted by the Monitoring Officer for one meeting only on request in writing from you.
- 6.2 Requests for Dispensations must be made in writing detailing what the interest is, why it is required and for what meeting.
- 6.3 Requests must be made 5 days prior to the meeting at which the Dispensation is required.
- 6.4 Dispensations will only be granted where there are reasonable grounds for doing so and where such grounds are in the public interest.

7. Sensitive Interests

- 7.1 A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

Protocol on Member/Officer Relations

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PROTOCOL ON MEMBER/OFFICER RELATIONSHIPS

Introduction

Councillors are democratically accountable and have political affiliations. Officers must serve the whole Council objectively. Together they must balance a complex range of obligations and competing interests. For this to be effective, Councillors and Officers must have mutual trust and respect for each other's requirements and duties. There must also be transparent consistency in everyday working relationships.

Ten General Principles of Conduct for Councillors and co-opted Members of local authorities have been prescribed by Legislation. There is also a Model of Code of Conduct which sets out the minimum standards Councillors and co-opted members must observe. These Conventions operate within that framework and provide the Council's local ground rules.

Councillors, co-opted members and officers agree to observe the General Principles and these Conventions, and to be guided by them in the interests of fair treatment and good Government.

The Conventions are the Council's way of applying the following basic principles:

Members have a right to information and support on a "need to know" basis.

The "need" is so that they can perform their role as Councillor. It can be limited by conflict of interest, confidentiality and practicality.

Officers must serve the whole Council objectively.

They must therefore provide "unified advice" at all times. This is advice which is objective, consistent and points out all relevant factors.

Political processes and different roles for Councillors are a legitimate part of local democracy.

Officer advice and support can be tailored accordingly. A party group is entitled to the confidentiality of Officer advice on developing policies and may decide when to publish a proposal. The overall arrangements for Officer advice must be transparent.

Observance of the General Principles, and these Conventions, is essential to the maintenance of high standards of probity and integrity.

1. Officer Neutrality

Convention

Councillors

Officers

1.2 Every Officer appointment and every employment decision must be on merit alone (by law). The Council has no political assistants.

The Council appoints the Chief Executive, The Deputy Chief Executives, the Monitoring Officer, the Section 151 Officer and other Board members. It can delegate this function. Members have a formal role in certain employment matters. (See Part 3 of Constitution)

Policy support to Councillors must conform to the "unified advice" principle. It must be for Council, and not for party political purposes. Work which could be open to misinterpretation must be transparent and justified where necessary, particularly at sensitive times (such as a pending election).

1.3 Certain posts are politically restricted, including all senior posts.

Politically restricted Officers cannot be Councillors or MPs. They cannot "speak or publish written work to the public at large or a section of the public, with the apparent intention of affecting public support for a political party". They can speak or publish "to such an extent as is necessary for the proper performance of their duties". (See Part 7 of Constitution)

1.4 Officers serve the whole Council and must be politically neutral at work.

Councillors should respect Officers' right to private political opinions. These should not be used against an Officer who remains neutral at work and observes the relevant codes. Any questions about neutrality should be raised with the relevant Board member or Chief Executive.

The Council's employment procedures and Codes of Conduct must be observed. Failure to do so could be a disciplinary matter.

1.5 Close personal relationships between Councillors

The Councillor concerned should judge when a personal relationship has formed or whether a family relationship or friendship

The Officer should judge when to make a declaration. The Board member or Chief Executive should consider how to avoid or

<p>and Officers should be declared to the relevant Group Leader (or Deputy) and Board member. The test is whether a member of the public might reasonably consider the relationship likely to influence the Councillor or Officer in their respective roles.</p>	<p>might reasonably be considered as having influence (depending on domestic arrangements and other circumstances). The Group Leader (or Deputy) should consider how working contact between the Councillor and Officer should be avoided or managed to dispel perceived bias, taking advice from the relevant Board member or Chief Executive.</p>	<p>manage working contact to dispel perceived bias.</p>
<p>1.6 Mutual respect and due courtesy between Councillors and Officers is expected by the Council.</p>	<p>Unwarranted criticism of Officers should be avoided, particularly when they cannot respond on equal terms, such as at Council meetings. Bullying by a Councillor could potentially expose the Council to a claim of constructive dismissal.</p>	<p>Officers should avoid unwarranted criticism of Councillors and should respect their rights under these Conventions. Officers should not only be neutral they should appear to be neutral. Any matter which might cause doubt should be raised with the relevant Member to consider what steps are needed to provide reassurance.</p>
<p>1.1 As a general rule, the Council is free to employ such officers as it sees fit and an employer/ employee relationship exists between the Council & its officers. Council is required to appoint certain statutory officers who have obligations in their own right.</p>	<p>Only Members of Executive have decision making powers as individuals. Other members can exercise no lawful authority & must operate through the Council & its committees.</p>	<p>Officers should recognise the rights of Members as elected representatives to determine policy. The officer as an employee has a primary loyalty & duty to the Council as a whole.</p>

2. Provision of Information to Councillors

Convention

2.1 Each Councillor has a right to the information reasonably required to perform his or her role as Councillor (the “*need to know*”) but not where:

- The information is primarily needed for a non-Council purpose; or
- There is a conflict of interest; or
- There is an over-riding individual right of confidentiality under data protection legislation (for example, in an employment matter); or

The resources needed to supply the information would be unreasonable.

Councillors

Councillors need not state a need to know when requesting information, unless one of the restrictions applies, in which case entitlement should be demonstrated. Any relevant interests or non-Council capacity should be declared at the time of the request. If dissatisfied with a refusal, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) should be approached.

Officers

Officers should assume a Councillor has a need to know unless one of the restrictions may apply. The Councillor should then be asked to demonstrate entitlement and, in cases of doubt, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) may be consulted. An Officer should seek clearance from his or her manager before embarking on a significant amount of work to provide information.

2.2 Councillors are normally entitled to be given information on a confidential basis, the exceptions being:

Councillors should ensure that the need for confidentiality is made clear to officers.

The Councillor must be told immediately if an exception applies.

- An over-riding Council interest (for example, protecting its legal and financial position); and

Natural justice (for example, giving an individual the chance to respond to allegations).

2.3 Councillors must respect the confidentiality of confidential Council information and must use confidential information only for the purpose it is given (for example, information supplied in confidence to an Executive member or Scrutiny Commission member cannot be used to pursue a special Ward interest).

3. Entitlement to briefings

Convention

3.1 Councillors are entitled to be briefed in accordance with their need to know, taking account of any particular role they have. There are the same restrictions as for information (Convention 2.1). Councillors with a particular role may expect to be briefed about relevant matters without having to make a request.

3.2 Officer attendance at party political group meetings should follow the Protocol. (see later in Part 5 of Constitution)

3.3 The content of briefings is confidential to the Councillors concerned. Confidentiality extends to the questions asked by the Councillors.

3.4 Executive Members, individually and collectively are entitled to regular confidential briefing on matters relevant to their portfolios and in support of the policies they are developing prior to them formulating formal proposals.

3.5 Councillors must respect the confidentiality of information supplied in briefing and must use it only for the purpose for which they would have been entitled to receive it (for example, information

Councillors

Councillors should declare any relevant interest when requesting or receiving a briefing. If dissatisfied with a refusal to brief, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) should be approached.

The relevant Executive Member or the Executive collectively determines whether confidential briefing material may be released to others for consultation or otherwise. When the stage of formal proposals is reached, supporting Officer advice becomes publishable in conjunction with the proposals.

Officers

Officers should be clear about the capacity in which the Councillor is being briefed and the implications of any interest. In cases of doubt, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) may be consulted. The Officer should always make it clear if a briefing is not based on unified advice. (i.e. still subject to consultation with other Officers). Otherwise the Councillor is entitled to assume unified advice is being given.

A briefing to help a Councillor respond to a question at Council may be in the form of a suggested reply. It should be confined to factual and professional matters and to explanations of existing policy, leaving the Councillor to add any political comment.

supplied as Executive Member may not be used to pursue a special Ward interest if it would not have been supplied to the Ward Councillor).

- 3.6 The Mayor is the Borough's first citizen & has the primary duty to act as Chairman for meetings of full Council. The Mayor is traditionally non-party political during their year of office. Their standing is mainly ceremonial rather than executive

The Mayor has the right to the advice & support of officers necessary for him/her to undertake the Mayoral role.

4. Council, Executive and Committee meetings

Convention

Councillors

Officers

4.1 Officer reports should be in the name of a Chief Officer who must ensure that:

- * It is made clear what stage in the process has been reached and what is required from Councillors;
 - * There is a clear recommendation (or options if appropriate) presented in a way which enable Councillors to choose between them;
 - * It is clear who is responsible for action;
 - * All relevant factors are included and the issues are presented with professional objectivity;
- Associated briefings and presentations are also professionally objective.

The principle of unified advice requires that meaningful and timely consultation is completed before finalising a report (particularly on financial and legal implications). Officers may take account of policies of the Council. Options, indeed recommendations, may reflect political realities provided all realistic options are addressed in a way which is professionally objective and sustainable. It is not always necessary to recommend the course of minimum risk, provided risks and reasons for taking them are made clear.

4.2 A majority group will, because they hold a majority of seats, direct the policies and decisions of Council and make up the Executive. However decisions can only be taken in properly convened meetings of the Council, its committees or Executive. All decisions, wherever taken, need to be properly recorded & the information on which decisions are made, readily available.

Decisions can be taken by individual Executive Portfolio Members who have formal delegated authority from Executive. (See Part 3 of Constitution)

Decisions can be taken by officers who have formal delegated authority from Council or Executive. (see Part 3 of Constitution)

5. Regulatory Committees

Convention

Councillors

Officers

5.1 Planning, Development Control, licensing and other quasi-judicial matters must be dealt with solely in accordance with the relevant policies and legal requirements, and in particular

- The appearance of decisions being based on party political consideration must be avoided;
- If Officer recommendations are not accepted, care should be taken to ensure that any departures can be justified and that they are

Particular care should be taken to declare interests in formal meetings, at site visits and in formal discussion and if necessary avoid participation. Potential interest should be raised with Officers before meetings.

consistent over time.

The Code of Conduct & Guidance for Members of LICENSING COMMITTEE, PLANNING COMMITTEE AND REGULATORY COMMITTEE must be followed.

5.2 Reports to Regulatory meetings should comply with Convention 4.1 except that political considerations are inappropriate.

6. Councillor involvement in operational matters

Convention

6.1 Officers must implement Council policy within agreed procedures. An individual Councillor cannot require an Officer to vary this and cannot take a decision or instruct an Officer to take action. The Councillor's role in relation to such matters is:

- To be briefed or consulted where there is a need to know.
- To pursue the interests of individuals by seeking information, testing action taken and asking for the appropriateness of decisions to be reconsidered. A Councillor's entitlement to be involved is based on the "need to know" and determined in accordance with Conventions 2 and 3.

Access to files may need to be denied or restricted if one of the exceptional circumstances in Convention 2.1 and 2.2 applies. Any access then allowed may need to be 'managed access' (as described in Convention 2).

6.2 A Councillor pursuing a Ward matter on behalf of a close family member or friend should declare the relationship and consider whether to ask another Councillor to pursue the matter.

6.3 Staff may raise issues with their Councillors as citizens. They must not lobby Councillors on personal employment or budgetary matters except within the proper management and representative procedures (in the interests of balanced, unified advice to Councillors).

Councillors

Councillors should avoid becoming unduly involved in individual cases and operational detail, except within clear procedures. Involvement in legal proceedings and audit investigations carries special risk of prejudicing the case, and of personal embarrassment. The District Auditor has warned of the dangers of individual councillors intervening in the processes of the Council without full knowledge of the facts.

A Councillor lobbied on an issue (especially planning policy) should explain that any views expressed are personal and they cannot commit or anticipate the Council's decision. Any lobbying should be referred to at meetings to consider the policy.

A close relationship should be judged as in Convention 1.4.

Councillors should refuse to respond to inappropriate lobbying and inform the relevant Board member who should direct the staff towards the appropriate channels. This applies if the approach is superficially to a Ward Councillor, but in reality amounts to an employment matter.

Officers

Officers should take the lead in pointing out where the boundaries lie in particular areas, recognising that:

Councillors legitimately adopt different approaches.

Councillors may legitimately pursue non-Ward issues

The special local knowledge of particular Councillors may be useful to a particular case.

Officers should point out to the Councillor when a restriction on the need to know may apply, explore entitlement with the Councillor and, in cases of doubt, consult the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)

Board members should ensure that their staff know how to obtain appropriate senior management support when the extent of a Councillor's involvement in an issue needs to be clarified.

Board members should ensure their staff are aware of these requirements and the proper channels for their views to be put forward.

Convention

Councillors

Officers

- 6.4 A Councillor's right of access to Council premises and to bring in guests is based on the "*need to know*" (that is, to perform the Councillor's role). In addition to the general restrictions, it is subject to ensuring:
- Operational continuity;
 - Confidentiality;
 - Compliance with Health & Safety arrangements;
Compliance with security requirements.

- 6.5 Councillor's guests should:
- Be properly checked in and out;
 - Explain the purpose of their visit, if requested.
- Not be admitted after normal business hours, except for notified evening meetings and by special arrangement for particular purposes.

Board members should ensure their staff are aware of these requirements and how to obtain appropriate senior management support (particularly after hours). They should also ensure staff are aware exactly when guests may be admitted outside normal opening hours.

7. Media Relations, Published Material and Correspondence

Convention

Councillors

Officers

- 7.1 Statements and published material on behalf of the Council (including the Council's website) must not be party political and must comply with the Statutory Code of Practice

Councillors are the Council's principal spokespersons on policy. As individuals, they may make party political comment, but the Council may not publish such comment.

Officers may publish factual, professional and technical comment. Reports, presentations and publications must be professionally objective in language, content and tone. Board members must ensure that Officers who publish statements and material are competent for the role and understand the requirements of these Conventions.

- 7.2 It should be made clear in all correspondence from Members, whether that Member is writing as an individual councillor, or in the capacity of a role held within Council.

Where Members write as individual councillors, they may seek officer advice, but cannot commit the Council as a corporate body. The Mayor, Leader of Council & Executive Members may initiate correspondence in accordance with their roles & degree of delegated authority.

Correspondence from officers should be factual and not commit the Council beyond its existing policies or limit of formal delegation to the officer. Where an officer is employed as an advisor, professional opinion may be expressed.

8. Election Periods

Convention

Councillors

Officers

- 8.1 From the notice of a Parliamentary or local election until election day:
- Nothing should be published (including on the Council's website) on a politically controversial issue, or which identifies views or policies with those of individual Councillors or party Groups;
 - In Parliamentary elections, nothing should be published which mentions or includes a picture of any

Subject to this Convention, publicity is permitted of a Councillor speaking on behalf of the Council about an approved policy.

External comments should be on strictly factual or professional matters. Care should be taken to avoid being misquoted or inadvertently associated with a particular candidate or political

prospective candidate.

perspective.

- Any publicity should be strictly objective, concentrating on facts or explanations.
- During local elections no Council newspaper, corporate or departmental should be published;
- Councillors and Officers should take particular care to keep Officers distant from party political matters.
- Councillors requesting information should make their “*need to know*” clear and the “*need to know*” principle should be strictly observed.
- Prospective Parliamentary candidates (including current MPs) should be treated equally.
- Officers should avoid even the appearance of political bias.

9. Resolving Problems

Convention

9.1 Councillors and Officers should try to interpret and apply the Conventions consistently. Those concerned should first try to resolve any problems between themselves.

Councillors

Councillors should raise unresolved problems with the relevant Board member or Chief Executive.

Officers

Officers should raise any unresolved problem with their Board member, who will advise or take the matter up with the relevant Councillors.

PROTOCOL ON ATTENDANCE BY THE CHIEF EXECUTIVE AND BOARD MEMBERS AT PARTY GROUP MEETINGS

This protocol is written in the spirit of Para 32 of the INC Conditions of Service for Chief Executives (or Officers) which states under the heading 'Advice to Political Groups' that the Chief Executive ...

“shall not be required to advise any political group of the council, either as to the work of the group or as to the work of the council, neither shall he be required to attend any meetings of any political group. This shall be 'Without prejudice to any arrangements to the contrary which may be made in agreement with the Chief Executive (or Officers) and which includes adequate safeguards to preserve the political neutrality of the Chief Executive in relation to the affairs of the council.'”

1. The Chief Executive and Board members are employees of the Council as a whole and their overriding responsibility is to the Council and not to any party political group.
2. The political neutrality of the Chief Executive and Board members is to be respected by everyone. They should not be asked to undertake a task which is likely to prejudice that neutrality nor make it difficult for them to serve a different administration at some future date.
3. If any of the Board members attends a meeting of any party group, they need not inform the leadership of the other parties on the Council, nor should they divulge or discuss the content of any discussion with those other parties.
4. The Board members will each ensure that the part which they play in the meeting is consistent with their political neutrality.
5. The Board members will not attend party political group meetings at which there are persons present who are neither elected members or officials of the authority.
6. The Board members will attend the meetings at the beginning of the agenda and will receive reasonable advance notice of the items which the group intends to discuss with them.
7. Attendance by any of the Board members will not exceed more than one meeting per month.

NATIONAL CODE OF PRACTICE ON PUBLICITY

Subject Matter

1. Local authorities have a variety of statutory powers which enable them to produce publicity and circulate it widely, or to assist others to do so. Those commonly used include the powers in section 111, 142, 144 and 145 of the Local Government Act 1972.
2. Some of these powers relate directly to the publishing authority's functions. Others give a more general discretion to publicise matters which go beyond an authority's primary responsibilities. For example, sections 142(JA) of the 1972 Act authorise local authorities to arrange for the publication within their area of information as to the services available in the area provided by them or by other local authorities; and section 54 of the Public Health (Control of Disease) Act 1984 empowers local authorities to arrange for the publication within their area of information on questions relating to health or disease.
3. This discretion provides an important degree of flexibility, but also heightens the need for a responsible approach to expenditure decisions.
4. In considering the subject areas in which publicity is to be issues, the following matters will be important:
 - (i) the publicity should be relevant to the functions of the authority;
 - (ii) it should not duplicate unnecessarily publicity produced by central government, another local authority or another public authority;

- (iii) in areas where central government, another tier of local government, or another public authority have the primary service of policy responsibility, local authorities should issue publicity only on matters that are directly relevant to their own functions.

Costs

5. Local authorities are accountable to the public for the efficiency and effectiveness of their expenditure, in the first instance through the audit arrangements.
6. For publicity, as for all other expenditure, the aim should therefore be to achieve the greatest possible cost-effectiveness.
7. To achieve this, there may well be cases where the benefit of higher expenditure to gain better presentation or improve other aspects of publicity will justify the extra cost.
8. Local authorities should therefore always have in mind the extent to which expert advice is needed for publicity.
9. In some cases publicity may justify its cost by virtue of savings which it achieves. More commonly it will be necessary to take a view of the importance of the unquantifiable benefits as compared with other uses and which the resources could be put.
10. In deciding whether, the nature and scale of proposed publicity, and consequently its cost, are justified, the following matters will be relevant:
 - (i) whether the publicity is statutorily required or is discretionary
 - (ii) where it is statutorily required, the purpose to be served by the publicity
 - (iii) whether the expenditure envisaged is in keeping with the purpose and expected effect of the publicity.

Content and Style

11. Local authorities produce a variety of publicity material. It ranges from factual information about the services provided by the authority, designed to inform clients or attract new ones, to material necessary to the administration of the authority, such as staff recruitment advertising. There will also be publicity to explain or justify the Council's policies either in general, as in the Community Plan, or on specific topics, for example as background to consultation on leisure projects.
12. Any publicity describing the Council's policies and aims should be as objective as possible, concentrating on facts or explanation or both.
13. Where publicity is used to comment on, or respond to, the policies and proposals of central government, other local authorities or other public authorities, the comment or response should be objective, balanced, informative and accurate. It should aim to set out the reasons for the Council's views, and should not be a prejudiced, unreasoning or political attack on the policies or proposals in question or on those putting them forward. Slogans alone will not be an adequate means of justifying or explaining the authority's views or their policy decisions.
14. Publicity relating to the provision of a service should concentrate on providing factual information about the service.
15. In some cases promotional publicity may be appropriate - for example about the local authority's sports and leisure facilities or about tourist attractions.
16. Publicity touching on issues that are controversial, or on which there are arguments for and against the views or policies of the Council is unavoidable, particularly given the need for Councils to consult widely whenever material issues arise. Such publicity should be handled with particular care. Issues must be presented clearly, fairly and as simply as possible, although they should not over-simplify facts, issues or arguments. Again, it is unlikely that slogans alone will achieve the necessary degree of balance, or capture the complexities of opposing political arguments.

17. Publicity should not attack, nor appear to undermine, generally accepted moral standards.
18. Publicity campaigns by local authorities are appropriate in some circumstances: for example, as part of consultation processes where local views are being sought to promote the effective and efficient use of local services and facilities, or to attract tourists or investment. Publicity campaigns may also be an appropriate means of influencing public behaviour or attitudes on such matters as health, safety, crime prevention or race relations.
19. Legitimate concern is, however, caused by the use of public resources for some forms of campaigns which are designed to have a persuasive effect. Publicity campaigns can provide an appropriate means of ensuring that the local community is properly informed about a matter relating to a function of the local authority and about the authority's policies in relation to that function and the reasons for them. But local authorities, like other public authorities, should not use public funds to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.

Dissemination

20. The main purposes of local authority publicity are to increase public awareness of the services provided by the authority and the functions it performs to allow local people to have a real and informed say about issues that affect them; to explain to electors and Council Tax payers the reasons for particular policies and priorities; and in general to improve local accountability.
21. Information and publicity produced by the Council should be made available to all those who want or need it. Local authorities should not discriminate in favour of, or against, persons or groups in the compilation and distribution of material for reasons not connected with the efficiency and effectiveness of issuing the publicity.
22. Where material is distributed on matters closely affecting vulnerable sections of the community - for example, the elderly particular care should be taken to ensure that it is unambiguous, readily intelligible and unlikely to cause needless concern to those reading, seeing or listening to it.
23. Local authority newspapers, leaflets, and other publicity distributed unsolicited from house to house are able to reach far wider audiences than publicity available on application to the Council.
24. Such publicity should be targeted as necessary for its purposes, taking particular care with material touching on politically controversial issues.
25. Local authority newspapers or information bulletins are a special case. They are often a cost-effective means of disseminating information or facilitating consultation and can provide a means for local people to participate in debate on decisions the Council is to take. Inevitably they will touch on controversial issues and where they do, they should treat such issues in an objective and informative way, bearing in mind the principles set out in paragraphs 11-19 of the Code.
26. Where it is important for information to reach a particular target audience, consideration should be given to using the communications networks of other bodies, for example those of voluntary organisations and make use of electronic communication systems.

Advertising

27. Advertising, especially on billboards or on television and radio is a highly intrusive medium. It can also be expensive. It may, however, provide a cost effective, efficient means of conveying public information to the widest possible audience. Advertising on local radio networks has, for example, been used as a relatively inexpensive means of telling potential clients about local authority services. Advertising can also be the most cost-effective means of publicising a local authority's activities on tourism and in the area of economic development generally.
28. The primary criterion for decision on whether to use advertising should be cost-effectiveness.
29. Advertisements are not normally likely to be appropriate as a means of explaining policy or

commenting on proposals, since an advertisement by its nature summarises information, compresses issues and arguments and markets views and opinions.

30. Advertising in media which cover an area significantly wider than that of the authority is not likely to be an appropriate means of conveying information about a local authority's policies as opposed to attracting people to the authority's area or to use its facilities.
31. The attribution of advertising material; leaflets and other forms of publicity that reach the public unsolicited should be clearly set out.
32. It is not acceptable, in terms of public accountability, to use the purchase of advertising space as a disguised means of subsidy to a voluntary, industrial or commercial organisation. Such support should be given openly through the normal grant arrangements. However, the condition attached to a grant may require the provision of publicity; including publicity for the work of the authority.
33. Any decision to take advertising space in a publication produced by a voluntary, industrial or commercial organisation should be made only on the grounds that it provides an effective and efficient means of securing the desired publicity.
34. Local authorities should never use advertising as a means of giving financial support to any publication associated with a political party.

Recruitment Advertising

35. Local authorities have respected in their staff employment policies the tradition of a politically impartial public service. Their recruitment publicity should reflect this tradition, and the fact that local authority staff are expected to service the authority as a whole whatever its composition.
36. The content of recruitment publicity and the media chosen for advertising job vacancies should be in keeping with the objective of maintaining the politically independent status of local authority staff.
37. Advertisements for staff should not be placed in party political publications.

Individual Councillors, Elections, Referendums and Petitions

38. Publicity about individual Councillors may include the contact details, the positions they hold in the Council (for example, member, of the Executive or Chairman of the Scrutiny Commission), and their responsibilities. Publicity may also include information about an individual Councillor's proposals; decisions and recommendations where this is relevant to their position and responsibility within the Council. All such publicity should be objective and explanatory, and whilst it may acknowledge the part played by individual councillors, personalisation of issues or personal image making should be avoided.
39. Publicity should not be, or liable to misrepresentation as being, party political. Whilst it may be appropriate to describe an individual Councillor's policies and to put forward her/his justification in defence of them, this should not be done in party political terms, using political slogans, expressly advocating policies of those of a particular political party or directly attacking policies and opinions of other parties, groups or individuals.
40. The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of those politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identified them with individual members or groups of members. However, it is acceptable for the authority to respond in inappropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a political response to an important event outside the authority's control. It is advisable that proactive events involving members likely to be standing for election are not arranged in this period.

41. The Local Authorities (Referendums) (Petitions and Directions) (England) Regulations 2000 prohibit an authority from incurring any expenditure to
- publish material which appears designed to influence local people
 - assist anyone else in publishing such material; or
 - influencing or assisting others to influence local people in deciding whether or not to sign a petition.

Publicity in these circumstances should, therefore, be restricted to the publication of factual details about the petition proposition, and to explaining the Council's existing arrangements. Local authorities should not mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view in relation to petitions generally or on a specific proposal.

42. Local authorities should ensure that any publicity about a referendum under Part II of the Local Government Act 2000 (the 2000 Act) either prior to or during the referendum period is factually accurate and objective. The referendum period means the period beginning with the date on which proposals under Part II of the 2000 Act are sent to the Secretary of State and ending with the date of the referendum. The publicity should not be capable of being perceived as seeking to influence public support for, or opposition to, the referendum proposals and does not associate support for, or opposition to, the proposals with any individual or group. Local authorities must conform with any specific restrictions on publicity activities which are required by Regulations under section 45 of the 2000 Act.

Assistance to Others for Publicity

43. The principles set out above apply to decisions on publicity issued by local authorities. They should also be taken into account by local authorities in decisions on assistance to others to issue publicity. In all such decisions local authorities should, to the extent appropriate:
- (a) incorporate the relevant principles of the code in published guidance for applicants for grants
 - (b) make the observance of that guidance a condition of the grant or other assistance
 - (c) undertake monitoring to ensure that the guidance is observed.
44. It will often be appropriate for local authorities to help charities and voluntary organisations not offend against any legal provision, but (subject to this) any such facility should be made available on a fair and equal basis and authorities may be able to draw on their powers of well being in section 2 of the Local Government Act 2000.

DTLR Circular 20/88 as amended by Circular 06/2001

Protocol relating to Gifts and Hospitality

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 office 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:

- **the principles which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality**
- **a procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it**
- **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 an improper offer.

2 Consent Regimes

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 below £25, 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 not exceeding £10 a head 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 not exceed a value of £10 a head
- (vii) modest souvenir gifts with a value below £25 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 Secretary to the Mayor/Chairman of the Council together with a written statement identifying the information set out in Paragraphs 2(b) below. The Secretary will then write to the person or organisation making the gift thanking them on your behalf for the gift and informing them that you have donated the gift to the Mayor's/ Chairman's Charity Fund, on whose behalf it will be raffled or other wise disposed of in due course, the proceeds being devoted to a charitable cause chosen by the Mayor/Chairman.

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 £25¹ 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 Monitoring Officer who has such delegated authority, together with your recommendation. The Monitoring Officer 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 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.

CODE OF CONDUCT AND GUIDANCE FOR MEMBERS OF THE PLANNING COMMITTEE (See also Part 5 - Code of Conduct and Guidance for Members of the Planning Committee)

1. INTRODUCTION

- 1.1 The purpose of this Code is to ensure that the manner in which planning decisions are reached is, and is seen to be, fair, open and impartial, and that only relevant matters are taken into account.
- 1.2 The basis of the planning system is the consideration of private proposals against wider public interests. Much is often at stake in this process, and opposing views are often strongly held by those involved. Whilst Councillors should take account of those views they should not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 1.3 A Councillor's overriding duty is to the whole district community and to ensure that decisions are taken impartially, fairly, reasonably and only in the context of the Development Plan and all other material considerations.
- 1.4 The Code applies to the determination of planning applications, and any other matters which fall within the responsibility of the Committee as set out in the Constitution of the Council. The Code is in addition to the Councillors' Code of Conduct and Council Procedure Rules, to which Members' attention is drawn.
- 1.5 Failure to comply with the Code could give rise to Judicial Review of the decision reached and would be taken into account in any relevant Ombudsman report.

2. LOBBYING AND CONTACTS WITH APPLICANTS AND THIRD PARTIES

- 2.1 Councillors should not express an opinion which could be taken as indicating they have already decided how they will vote before they have been exposed to all the evidence and arguments at the relevant Committee meeting. Whilst lobbying is a normal and perfectly proper part of the planning process, care must be exercised to ensure that the impartiality and integrity of a Councillor is not called into question and the application or matter is not prejudged.
- 2.2 Members of the Planning and Regulatory Committees should avoid organising support for, or opposition to, a planning application and avoid lobbying other Councillors, or influencing officers to make a particular recommendation.
- 2.3 Members should avoid acting on behalf of applicants or third parties.
- 2.4 It should in general be possible for a Member to give support to a particular body of opinion whilst making it clear that he/she will not reach a final decision until the matter comes before the Committee. This would then enable the Member to take part in discussion and voting on the matter.
- 2.5 Subject to the above, nothing in this Code inhibits a Councillor's right to put forward the views of the electorate at the Committee and to support them if the Councillor wishes.
- 2.6 Discussions between a potential applicant and a council prior to the submission of an application can be of considerable benefit to both parties and is encouraged. However, it would be easy for such discussions to become, or to be seen, particularly by objectors, to become, part of a lobbying process on the part of the applicant.
- 2.7 In order to avoid such perceptions, pre-application discussions should take place within clear guidelines. Although the term 'pre-application' has been used, the same considerations should apply to any discussions which take place before a decision is taken:

* it should always be made clear at the outset that the discussions will not bind a council to making a particular decision and that any views expressed are personal and provisional. By

the very nature of such meetings not all relevant information may be at hand, nor will formal consultations with interested parties have taken place;

- * advice should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies amongst planning officers. In addition, all officers taking part in such discussions should make clear whether or not they are the decision-maker;
- * any advice given should not be or be seen to be partial to the applicant or anyone else;
- * where Councillors are involved in discussions with the applicant before the matter is determined by the Committee a Planning Officer should always be present. It should be made clear at the outset that:
 - (a) the discussions will not bind the Council to making a particular decision; and
 - (b) that any views expressed are personal and provisional and that Councillors will not decide how to vote until the Committee meeting.

3. COUNCILLOR APPLICATIONS

- 3.1 The consideration of a proposal from a Councillor in such circumstances would be considered as a pecuniary interest under the Councillors Code of Conduct and as such, the Councillor would be required to withdraw from any consideration of the matter. The Code also provides that the Councillor should 'not seek improperly to influence a decision about the matter'. It is important to emphasise here that 'improperly' does not imply that a Councillor should have any less rights than a member of the public in seeking to explain and justify their proposal to an officer in advance of consideration by a committee.
- 3.2 Where a Councillor applies for planning consent as applicant or agent, he/she should notify the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) and the Deputy Chief Executive (Community Direction), in writing, as well as declaring an interest and taking no part in determining the application or lobbying. Such applications shall be determined by Planning Committee in all cases.

4. COMMITTEE SITE VISITS

- 4.1 Site visits can cause delay and additional costs and should only be used where the expected benefit is substantial.
- 4.2 They should be carefully organised to ensure that the purpose, format and conduct are clearly established at the outset and subsequently adhered to throughout the visit.
- 4.3 Many councils allow site visits to be 'triggered' by a request from the Ward Councillor. It is acknowledged that this is a proper part of the representative role of the member, and should normally be acceded to, although the 'substantial benefit' test should still apply. It is also good practice to keep a record of the reasons why a site visit is called.
- 4.4 A site visit is only likely to be necessary if:
- the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by officers (although if that is the case, additional illustrative material should have been requested in advance); or
 - there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing, or the proposal is particularly contentious.
- 4.5 Site visits shall be conducted as follows:
- (a) The applicant, his/her agent, the Ward Members(s), all Planning Committee Members and a Parish Council representative will be invited to attend.
 - (b) The Chairman shall take charge of the proceedings with the support of an officer.
 - (c) The Chairman shall ask for any declarations of interest.
 - (d) Members shall group around the Chairman promptly on site during the factual presentation and explanation of the case and any comments made by invitees, in order to permit clear and efficient interchange of question and answer.

- (e) Care should be taken not to express views which could be construed as indicating the way Members intend to vote on the proposal at Committee.
- (f) Following factual presentation by the officer in attendance, the Chairman will ask Planning Committee Members in attendance (and if applicable, Parish Council Members) if they require any points of fact clarified. At this point the Chairman will direct the officer to respond to such requests from Planning Committee members (and Parish Council members when applicable) and the officer may ask the Applicant/Agent (if available) to respond to any request for factual clarification. The Applicant/Agent should not attempt to discuss any other issues relating to the proposal (for example, its merits) or express any opinion thereon. Requests for points of clarity must not extend to general discussion of a proposal and must focus on the clarification of such matters as interpretation of plans, confirmation of siting and levels etc. No other dialogue should take place between Planning Committee members and any others attending at the site visit.

5. DECLARATIONS OF INTEREST

- 5.1 The requirements for declarations of interest by members are contained in the Members' Code of Conduct and the test of pecuniary interests apply to planning issues in just the same way as they apply to other non-planning matters.
- 5.2 The requirement in respect of the disclosure of interests (and non-participation in the case of pecuniary interests) applies to site visits as well as meetings of the Committee itself.
- 5.3 Where a Member of the Planning Committee has declared a pecuniary interest they are permitted to speak to an Application but must leave the meeting. Members are not permitted in these circumstances to appoint a substitute.

6. DECISION MAKING

- 6.1 Members should recognise that in sitting on the Planning Committee or attending site meetings they have a duty to act fairly and without bias. Members should therefore consider all relevant matters and not take into account non-planning considerations and any irrelevant material.
- 6.2 Planning applications are to be determined in accordance with the Local Development Plan/Framework and all other material considerations. Material considerations are matters which relate to the development and use of land in the public interest. They must be fairly and reasonably related to the matter concerned, and will include the number, size, layout, siting, design and external appearance of buildings, means of access, landscaping, impact on the neighbourhood and the availability of infrastructure. Government planning policy, Council supplementary planning guidance and similar would also be included.
- 6.3 Unless there are material considerations of sufficient weight to do otherwise, applications must be determined in accordance with the approved Local Development Plan. Third party views may be taken into account as long as they relate to material considerations. Local opposition or support is not a reason in itself for determining an application. The weight given to the applicant's personal circumstances should be minimal and are only likely to be decisive in balanced cases.
- 6.4 Decisions should not be taken on the basis of party political influence or group politics, despite the fact that each committee is politically constituted. In particular, political group meetings should not be used to decide how Councillors vote on matters taken to Planning Committee. Each Councillor should independently consider the matter without any undue influence. The Council has determined that no political whipping will be applied to considerations of the Planning Committee.
- 6.5 Group meetings shall no longer take place prior to Planning Committee meetings and instead briefings for all Members be held prior to the Planning Committee at 6:00pm unless otherwise informed. The briefing will be Chaired by the Chair of the Planning Committee and supported by Officers.
- 6.6 Borough Councillors who are also Parish or County Councillors may be entitled to speak and vote on issues which have previously been discussed in their capacity as Parish or County Councillors

but they must not do so where their own Parish or the County Council is making a planning application.

- 6.7 It may be preferable for Members to abstain from voting on the matter at Parish or County level, but if they do vote at that stage, they should make it clear they may vote differently at Committee when they will be in full possession of all the facts and Officer advice.
- 6.8 When a decision is likely to be taken contrary to an Officer's recommendation (either for approval or refusal) the Head of Planning, Development Control Manager or Principal Planning Officer may request a recorded vote. If that vote results in a contrary decision, the Committee's reasons shall be minuted. Head of Planning, Development Control Manager, Principal Planning Officer and/or the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) (or his/her nominee) shall also be given the opportunity to explain the possible implications of a contrary decision.
- 6.9 Head of Planning and Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) will be responsible for formulating a Member development programme for Planning Committee Members and inform Members which elements of the development areas are mandatory for all Planning Committee Members and those "standing in" for regular members. Planning Committee Members who fail to attend the mandatory elements of the Members' development programme may at the discretion of the Chairman and the Chief Executive be prohibited from attending Planning Committee as a voting member.

7. REVIEW OF PLANNING DECISIONS

- 7.1 The Planning Committee shall review planning decisions in terms of quality and consistency annually.
- 7.2 The review shall include a sample from a broad range of categories, e.g. minor and major developments, permitted departures from the Local Development Plan, upheld appeals, listed building works and enforcement decisions and shall be reported to Committee with any recommendations as to the need to review any policies and practice.
- 7.3 The Committee shall visit a sample of implemented planning decisions to assess their quality as part of the review process.

8. TRAINING

- 8.1 There shall be mandatory training for Members of the Planning Committee and possible substitutes arranged as part of the Member Development Programme. Annual refresher training will also be mandatory for these Members.
- 8.2 Training with regard to planning shall be offered to Parish Councils.

PART 6

MEMBERS' ALLOWANCES SCHEME

Hinckley and Bosworth Borough Council, in exercise of its powers contained within S18 of the Local Government and Housing Act 1989, as amended by S99 of the Local Government Act 2000, and in accordance with the Local Authorities (Members Allowances)(England) Regulations 2003, hereby makes the following scheme:

1. The scheme may be cited as the Hinckley and Bosworth Borough Council Members' Allowances Scheme.
2. The amended scheme shall have effect from the 1 April 2007.
3. 'Year' means:
 - (a) the period beginning on the date of the coming into force of these regulations and ending on 31 March 2008; and
 - (b) any period of 12 months ending on 31 March in any year after 2008.

Member Development and Support

4. Because of the increasing responsibilities placed upon Members, particularly those who have 'special' responsibilities, it is a fundamental element of this scheme that appropriate development opportunities are made available and that Members engage in such activities when provided. A review of such activity and its effectiveness will be presented to Council at each Annual Meeting.

Basic Allowance

5. Subject to para 8, for each year a basic allowance of £3,275 shall be paid to each councillor.

Special Responsibility Allowances

6.
 - (i) For each year a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in the Schedule to this scheme.
 - (ii) Subject to para 8, the amount of each such allowance shall be the amount specified against that special responsibility in that Schedule.
 - (iii) No more than two Special Responsibility Allowances should be paid to an individual Member.

Childcare and Dependent Carer's Allowance

7. Payment will be reimbursed on the basis of reasonable expenses incurred.

Travel and Subsistence Allowance for 'approved duties'

8. (a) Car allowances for authorised journeys on 'approved duties' (see below) will be paid at the same rate as the casual user rate for employees. These rates will apply also to Independent and Parish Members of the Ethical Governance & Personnel Committee. Current rates are as follows:

	<u>451-999cc</u>	<u>1000-1199cc</u>	<u>1200cc +</u>
Per mile first 8,500	39.7p	43.1p	54.4p
Per mile after 8,500	12.1p	12.0p	14.3p

- (b) Reimbursement of taxi or public transport costs for authorised journeys on 'approved duties' will be approved on production of a valid receipt.

(c) Subsistence allowances for 'approved duties' will be paid at the same rates and conditions applicable to staff. Current rates are as follows:

- * Breakfast - payable only if it is unreasonable to expect you to take breakfast before 7.00am, £5.00 maximum.
- * Lunch - payable only if lunch is not provided at the seminar/event, £7.00 maximum.
- * Evening meal - payable if you are unable to take a meal at your normal place after 6.30pm, £9.00 maximum, unless this is provided at no cost to you.

The subsistence allowances are subject to the production of appropriate receipts.

In the event of overnight stays in hotels or attendance at conferences, two alternatives are available:

- * to book appropriate accommodation in advance and have an invoice sent to the Council; or
- * where the hotel declines this arrangement, book in advance and pay the hotel on departure. The Council will reimburse costs on the production of the receipted hotel bill.

(d) Approved Duties

These will cover:

- (i) Meetings of the Council, Executive, Scrutiny and other Committees or Panels formally covered by the Council or its officers.
- (ii) Conferences or meetings where attendance is authorised by the Council or Senior Manager.
- (iii) Outside Bodies to which the Councillor has been appointed by the Council.
- (iv) Meetings convened with Officers with their agreement.

Renunciation

9. A councillor may, by notice in writing given to the Deputy Chief Executive (Corporate Direction), elect to forego his entitlement or any part of his entitlement to an allowance under this scheme.

Part-year entitlements

- 10.
- (i) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to basic and special responsibility allowances where, in the course of a year, this scheme is amended or that councillor becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.
 - (ii) If an amendment to this scheme changes the amount to which a councillor is entitled by way of a basic allowance or a special responsibility allowance, then in relation to each of the periods:
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year, the entitlement to such an allowance shall be to the payment of such part of the amount of the allowance under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of days in the period bears to the number of days in the year.
 - (iii) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to a basic allowance shall be to the payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his term of office bears to the number of days in that year.
 - (iv) Where this scheme is amended as mentioned in sub-paragraph (ii), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (ii)(a), such

part of the basic allowance payable referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.

- (v) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (vi) Where this scheme is amended as mentioned in sub-paragraph (ii), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (ii)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment or such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Pensions

- 11. Subject to the terms and conditions contained in the Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003:
 - (a) all members of the Council are entitled to join the local government pension scheme.
 - (b) both the basic allowance and any special responsibility allowance will be treated as amounts in respect of which such pensions will be payable.

Payments

- 12. (i) Subject to paragraph 8, payments of the basic allowance and special responsibility allowance shall be made in instalments of one-twelfth of the amount of the amount specified in this scheme on the 25th of each month.
- (ii) Claims for any childcare or dependent carer's allowance, and for any travelling or subsistence allowances, shall be submitted within three months of incurring the expenditure.

Suspension

- 13. All allowances will be withheld from any Councillor or Independent Person who has been suspended and any allowance paid must be reimbursed with the exception of any payment in arrear in respect of entitlement prior to the time of suspension.

SCHEDULE

The following are specified as the special responsibilities in respect of which special responsibility/co-optees' allowances are payable and the amount of those allowances:

	<u>£</u>
Leader of the Council	7,640
Member of Executive	4,095
Opposition Leader(s)	2,455
Licensing & Regulatory Committees (single Chairman)	2,455
Planning Committee Chairman	2,455
Scrutiny Commission Chairman	2,455
Appeals Committee Chairman	1,645
Ethical Governance & Personnel Committee Chairman	1,645
Finance, Audit & Performance Committee Chairman	1,645

Part 7

Management Structure

Management Structure

The officer structure was reorganised in 2010 to refocus the direction and management of the Council, to facilitate improvements in performance and shape the organisation to be ready to meet future challenges.

The restructure was based on the principles of: clarity of responsibility; a focus on priority services and initiatives; reinforcement of accountability; concentration on performance; integration of smaller teams; encouragement of corporate working across the authority; reinvestment in frontline services; improved support for Scrutiny; and efficiencies.

A copy of the structure chart can be found on the intranet and the Council's website and is available from the offices on request.

PROPER OFFICERS AND POWERS AND DUTIES OF OFFICERS OF THE COUNCIL

NB Reference to Chief Officers includes the Deputy Chief Executives. However, statutory appointments such as Monitoring Officer and Chief Finance Officer cannot be dealt with by any other person. The Electoral Registration Officer and Returning Officer are also specific appointments.

Many of the proper officer provisions relate to delegated functions set out in Part 3 of the Constitution – Responsibility for Functions and Delegations.

Terms of reference for Strategic Leadership Board

Terms of Reference for Corporate Operations Board

Powers and Duties	The Designated Officer for this Function
1.0 General	
1.1 Overall management of the Council's employees.	Head of Paid Service
1.2 Management of Services - Chief Executive's Finance and ICT Housing and Strategy Culture and Development Health and Environment Corporate Services	Chief Executive Deputy Chief Executive (Corporate Direction) Deputy Chief Executive (Community Direction) Deputy Chief Executive (Community Direction) Deputy Chief Executive (Community Direction) Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)
1.3 Keeping Roll of Freemen and Honorary Aldermen	Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)
1.4 Register of Local Land Charges	Deputy Chief Executive (Community Direction)
1.5 Deposit of Documents to be made available to the public	Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)
1.6 Certification of photographic copies of documents	1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Solicitor
1.7 Authentication of boundaries.	Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)
1.8 Prosecuting on behalf of and defending the Council in legal proceedings.	Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)
1.9 Sealing of Documents	1. Chief Executive 2. Deputy Chief Executive (Corporate Direction) 3. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)
1.10 Signing of Documents in addition to the powers of other Proper Officers except where specific qualifications are necessary	1. Chief Executive 2. Deputy Chief Executive (Corporate Direction) 3. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)
1.11 Requisitions for Information.	1. Chief Executive 2. Deputy Chief Executives 3. Chief Officers
1.12 Signing of Statutory Notices in accordance with the functions and delegation of Council, Committees and Executive.	1. Chief Executive) See 2. Deputy Chief Executives) delegations 3. Chief Officers) in Part 3 4. Authorised Section Manager) Appendix B
1.13 Publication and service of Notices in addition to	1. Chief Executive

Powers and Duties	The Designated Officer for this Function
<p>specific powers.</p> <p>1.14 Publication and service of Compulsory Purchase Orders and any other documents or notice relating thereto.</p> <p>1.15 Publication of Notice of making Byelaw and certification of Byelaws, or Orders not specified elsewhere.</p> <p>1.16 Authorising directed, covert surveillance and the use of covert human intelligence sources covered by the Regulation of Investigatory Powers Act 2000. (The law prohibits delegation below Section Manager level)</p> <p>1.17 Custody of original RIPA authorisations and related documentation.</p> <p>1.18 Where authority is given to designated officers in Part 3 (Responsibility for Functions and Delegation) or here (Proper Officers), those designated officers may nominate in writing other appropriate qualified officers to exercise such authority in their absence.</p> <p>1.19 Save where specifically reserved elsewhere (e.g. to a Standing Committee), decisions re: enforcement action, remedies and penalties in pursuance of the Council's various regulatory functions.</p> <p>1.20 Administering formal cautions as a penalty following the admission of an offence.</p> <p>1.21 Designation of Corporate Property Officer</p>	<p>2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>1. Chief Executive 2. Deputy Chief Executive (Community Direction) 3. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>1. Chief Executive 2. Deputy Chief Executive (Community Direction) 3. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>1. Deputy Chief Executives 2. Chief Officers 3. Team Managers</p> <p>Monitoring Officer (Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards))</p> <p>Designated Officer</p> <p>1. Chief Officers/Deputy Chief Executives 2. Team Managers</p> <p>NB Legal/default action is reserved to Head of Service or Deputy Chief Executive in consultation with the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) . For Executive functions, the Executive Member must be advised and the Committee Chairman for Council functions.</p> <p>1. Deputy Chief Executives 2. Relevant Chief Officers</p> <p>Estates and Asset Manager</p>
<p>2 Elections, Electoral Registration and Members.</p> <p>2.1 Returning Officer at Borough and Parish Elections and Electoral Registration Officer.</p> <p>2.2 Witness and receipt of Declarations of Acceptance of Office.</p> <p>2.3 Receipt of Resignations from Office.</p> <p>2.5 Receipt of Notice of casual vacancy from two Local Government electors.</p> <p>2.6 Receipt of Notices for the Register of Interest and Hospitality of Members and Officers</p> <p>2.7 Keeping of Register of Interests and Hospitality for Members</p>	<p>1. Chief Executive 2. Deputy Returning Officer – Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>1. Chief Executive 2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>1. Chief Executive 2. Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</p> <p>1</p> <p>Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p>

Powers and Duties	The Designated Officer for this Function
<p>3 Financial</p> <p>3.1 The administration of the Council's financial affairs within the policies set down by Council.</p> <p>3.2 Receipt of money due from Officers.</p> <p>3.3 Declaration and certificates with regard to securities.</p> <p>3.4 Accounts to be open to inspection by any Member.</p> <p>3.5 Publication of Notice of Audit.</p> <p>3.6 Publication of Notice of setting of Council Tax.</p> <p>4 Meetings of the Council and Committees.</p> <p>4.1 Signature of summons to Council Meetings.</p> <p>4.2 Receipt of Notices regarding address to which summons to meetings is to be sent.</p> <p>4.3 Certificate of Resolutions of the Council</p> <p>Local Government Act 1972 – Access to Information Provision</p> <p>4.4 (a) Section 100(b)(2) Circulation of reports and agendas.</p> <p>4.5 (b) Section 100(b)(7)(c) Supply of papers to the press.</p> <p>4.6 (c) Section 100(l)(2) Summaries of Minutes.</p> <p>4.7 (d) Section 100(d)(1)(a) Compilation of lists of background papers.</p> <p>4.8 (e) Section 100(f)(2) Identification of background papers</p> <p>4.9 (f) Section 100(f)(2) Papers not open to Members</p>	<p>1. Deputy Chief Executive (Corporate Direction) 2. Accountancy Manager</p> <p>1. Deputy Chief Executive (Corporate Direction) 2. Accountancy Manager</p> <p>Deputy Chief Executive (Corporate Direction)</p> <p>Deputy Chief Executive (Corporate Direction)</p> <p>Deputy Chief Executive (Corporate Direction)</p> <p>Deputy Chief Executive (Corporate Direction)</p> <p>1. Chief Executive 2. Deputy Chief Executive (Corporate Direction) 3. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 4. Democratic Services Officer or nominee</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Deputy Chief Executive (Corporate Direction) 3. Democratic Services Officer or nominee</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Deputy Chief Executive (Corporate Direction) 3. Democratic Services Officer or nominee</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Democratic Services Officer or nominee</p> <p>Democratic Services Officer or nominee</p> <p>Democratic Services Officer or nominee</p> <p>1. Chief Executive 2. Deputy Chief Executives 3. Chief Officers</p> <p>1. Chief Executive 2. Deputy Chief Executives 3. Chief Officers</p> <p>1. Chief Executive 2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p>
<p>5. Matters reserved for Council (Part 3 of the Constitution)</p> <p>5.1 Notices and other documents related to functions reserved to Council. Article 4.01 – Policy Framework Article 4.02 – Other General Provisions</p> <p>Any matters delegated to officers.</p>	<p>1. Chief Executive 2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>That officer is deemed to be the Proper Officer to sign documents</p>

Powers and Duties	The Designated Officer for this Function
<p>5.2 Notices and other documents in relation to Personnel Issues.</p> <p>5.3 Notices and documents in relation to Planning Matters.</p> <p>5.4 General Powers for all Committees, Notices and other documents related to functions which are deemed general powers of all Committees.</p> <p>Any matters delegated to officers.</p> <p>5.5 General Appeals Panel</p> <p>Documents relating to decisions of the General Appeals Panel.</p> <p>Any matters delegated to an officer</p>	<p>1. Chief Executive 2. Monitoring Officer (Disciplinary issues)</p> <p>1. Relevant Chief Officers 2. Deputy Chief Executives</p> <p>Head of Paid Service</p> <p>That officer is deemed to be the Proper Officer to sign documents.</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>That officer is deemed to be the Proper Officer to sign documents.</p>
<p>6. Ethical Governance & Personnel Committee</p> <p>6.1 Notices and other documents related to functions of the Ethical Governance & Personnel Committee</p> <p>Any matters delegated to officers</p> <p>6.3 Deeds of Apprenticeship not under Seal.</p> <p>6.4 Notices and other documents relating to functions with respect to Industrial Relations (Schedule 9 of Employment Protection (Consolidation) Act 1978).</p> <p>6.5 Functions of appointment and dismissal of and taking disciplinary actions against an employee other than a Statutory Officer, Deputy Chief Executive or Head of Service.</p>	<p>1. Head of Paid Service 2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>That officer is deemed to be the Proper Officer to sign documents.</p> <p>Head of Paid Service</p> <p>Head of Paid Service</p> <p>1. Head of Paid Service 2. Deputy Chief Executives 3. Chief Officers</p>
<p>7. Emergency Committee</p> <p>7.1 Documents relating to decisions of the Emergency Committee.</p>	<p>Chief Executive</p>
<p>8. Planning Committee</p> <p>8.1 Notices and other documents relating to the functions of the Planning Committee.</p> <p>Any matters delegated to an officer</p> <p>8.2 Completion Notices and Notices relating to Revocation, Discontinuation and Modification Orders.</p>	<p>1. Deputy Chief Executive (Community Direction)</p> <p>That officer is deemed to be the proper officer to sign documents.</p> <p>Deputy Chief Executive (Community Direction)</p>
<p>9. Licensing Committee</p> <p>9.1 Documents relating to licensing and registration functions delegated to an officer.</p> <p>9.2 Documents relating to decisions of the Committee or a Licensing Sub Committee.</p>	<p>That officer is deemed to be the proper officer to sign documents.</p> <p>Deputy Chief Executive (Community Direction)</p>
<p>10. Ethical Governance & Personnel Committee</p> <p>10.1 Documents relating to duties, functions and decisions</p>	<p>1. Monitoring Officer</p>

Powers and Duties	The Designated Officer for this Function
of Ethical Governance & Personnel Committee.	2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)
<p>11. Executive Functions</p> <p>11.1 Notices and other documents relating to functions listed in General Powers, except Compulsory Purchase Orders (see 1.16)</p> <p>Any matters delegated to officers.</p> <p>11.2 Notices and other documents relating to functions listed in Leader's Portfolio.</p> <p>Data Protection and Monitoring Officer matters</p> <p>Any matters delegated to officers</p> <p>11.3 Notices and other documents relating to functions listed in Finance and Resources Portfolio.</p> <p>Any matters delegated to officers.</p> <p>11.4 Notices and other documents relating to functions listed in Rural Affairs Portfolio.</p> <p>Any matters delegated to officers.</p> <p>11.5 Notices and other documents relating to functions listed in Health and Environment Portfolio.</p> <p>Any matters delegated to officers.</p> <p>11.6 Notices and other documents relating to functions listed in Culture and Development Portfolio.</p> <p>Any matters delegated to officers.</p> <p>11.7 Notices and other documents relating to functions listed in Corporate Services Portfolio.</p> <p>Any matters delegated to officers.</p> <p>11.8 Notices and other documents relating to functions listed in Housing and Strategic Portfolio.</p> <p>Any matters delegated to officers.</p>	<p>1. Relevant Chief Officer 2. Deputy Chief Executives</p> <p>That officer is deemed to be the proper officer to sign documents</p> <p>1. Chief Executive 2. Deputy Chief Executives</p> <p>1. Monitoring Officer 2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>That officer is deemed to be the proper officer to sign documents</p> <p>1. Deputy Chief Executive (Corporate Direction) 2. Head of Revenues & Benefits</p> <p>That officer is deemed to be the proper officer to sign documents.</p> <p>1. Relevant Chief Officer 2. Deputy Chief Executives</p> <p>That officer is deemed to be the proper officer to sign documents.</p> <p>Deputy Chief Executive (Community Direction)</p> <p>That officer is deemed to be the proper officer to sign documents.</p> <p>Deputy Chief Executive (Community Direction)</p> <p>Those Officers are deemed to be the proper officer to sign documents.</p> <p>Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>These officers are deemed to be the proper officer to sign documents.</p> <p>1. Deputy Chief Executive (Community Direction) 2. Chief Officer (Housing, Community Safety and Partnerships) 3. Corporate Performance and Strategy</p>
<p>12. Overview & Scrutiny Function</p> <p>12.1 Implementation of any decisions of the Scrutiny Commission or Finance, Audit & Performance Committee and any associated documentation.</p>	<p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Other relevant Chief Officer 3. Chief Officer (Business Contract and Streetscene Services)</p>

**LIST OF POLITICALLY RESTRICTED POSTS PREPARED PURSUANT TO SECTION 2(2)
OF THE LOCAL GOVERNMENT AND HOUSING ACT 1989**

* Restricted by virtue of Section 2(1) of the Act but included in this list for the purpose of completeness.

(a) Posts at or above the specified salary level (SCP44)

Job Title

Chief Executive *
Deputy Chief Executive (Corporate Direction)*
Deputy Chief Executive (Community Direction)*
Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) *
Revenues & Benefits Manager
Accountancy Manager
ICT Manager
ICT Change & Infrastructure Manager
Strategy and Regeneration Manager
Chief Officer (Housing, Community Safety and Partnerships)
Head of Planning
Estates and Assets Manager
Cultural Services Manager
Chief Officer (Environmental Health)
Senior Environmental Health Officer
Greenspace and Neighbourhood Wardens Manager
Chief Officer (Business Contract and Streetscene Services)

(b) Posts below the specified salary level (SCP44)

Democratic Services Officer
Customer Services Manager
Solicitors
Group Accountant
Green Space Manager
Communications & Promotions Officer

PART 8

CUSTOMER COMPLAINTS PROCEDURE

The Council aims to ensure that you receive the best possible service at all times. One of the best ways to do this is to listen to what customers have to say about the services. If anything has gone wrong it is important that it is reported, so that any faults can be put right quickly. This leaflet explains how the complaints procedure works.

What is a complaint?

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by the Council or its staff affecting an individual customer or group of customers.

A complaint does not include:

- a request for a service (e.g. a housing repair).
- a request for information or explanation of Council policy or practice.
- matters for which there is a right of appeal within the Council or to an independent tribunal.
- matters relating to a request for a service that has been previously notified to the Council and is awaiting action within an agreed timescale (e.g. a non-urgent housing repair that may be actioned up to 28 days after notification).
- matters where the Council is not the provider or commissioner of the service.
- issues about the conduct of a serving Councillor (Borough/Parish/Town). There is separate provision for this.

Who can complain?

Anyone using any of the Council's services can complain about a service, either in person or through a third party. Anonymous complaints will be accepted but this can make it difficult for further action to be taken.

Procedure

Stage 1:

The initial complaint should be made in writing, by telephone, e-mail or by completion of the Council's Customer Complaints Form, to the Democratic Services Officer, who will refer your complaint to the Line Manager responsible for the service. The Line Manager will respond in writing within 10 working days, or let you know when you can expect a reply. A copy of this response will be forwarded to the Democratic Services Officer.

If you are not happy with the way your complaint has been handled, you may ask for it to be reviewed. (See stage 2).

Stage 2:

A request for a review should be made to the Democratic Services Officer and preferably in writing or by email. At this stage no additional information shall be submitted. In the event of additional information being submitted this will be regarded as a new complaint. The appropriate Head of Service, Deputy Chief Executive or Chief Executive will be asked to investigate the complaint and will aim to respond to you within 10 working days or advise when you may expect a reply.

What if I am still dissatisfied?

If you are still unhappy after going through the Council's complaints procedure, you can take your complaint to the Local Government Ombudsman. Details of how to contact the Ombudsman will be included in the Stage 2 response to you.

Further information

If you require assistance please contact: The Democratic Services Officer, Hinckley & Bosworth Borough Council, Council Offices, Argents Mead, Hinckley, Leicestershire LE10 1BZ
or tel 01455 255879
or e-mail committeeservices@hinckley-bosworth.gov.uk

If appropriate the response may be provided in paper copy with normal font size. If you require alternative formats, e.g. language, audio, large print etc., then please let us know.



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Elected Member Role Profiles

Contents

- Introduction
- Role Profiles
 - Ward Councillor
 - Leader of the Council
 - Deputy Leader of the Council
 - Executive Member
 - Leader of an Opposition Group
 - Chairman Scrutiny Commission
 - Chairman of Finance, Audit & Performance Committee
 - Chairman of Ethical Governance & Personnel Committee
 - Chairman of Planning Committee
 - Chairman of Licensing and Regulatory Committees
 - Chairman of the Appeals Panel

Additional Roles

- Deputy Group Leader
- Appeals Panel Member

Introduction

Role profiles for Councillors are to be introduced by Hinckley & Bosworth Borough Council and will be used by the Independent Panel to underpin the Members' Allowance Scheme. They have been developed as a means to clearly set out the expectations of a Ward Councillor and all roles attracting a Special Responsibility Allowance (SRA) so as to support the Council's priorities and Member development.

The following role profiles are the result of a review by the Member Development Group together with the Member Champion Group of Leicestershire & Rutland Improvement Partnership. There has been consultation with Councillors and key officers to ensure the role profiles reflect the changing role of Councillors and the future needs of the Council and local government. In addition to this, skills and knowledge for each role have been identified to both meet the requirements of any future allowance scheme and underpin the Member Development programme.

The role profiles set out the role and responsibilities as well as the skills and knowledge required for each role. The role profile for the Ward Councillor is the foundation for all other roles. The responsibilities, skills and knowledge required for roles attracting an SRA are in addition to those set out for the Ward Councillor.

The role profiles have three main purposes:

- To provide clarity for both Councillors and officers about what is expected of each role.
- To provide guidance to the Independent Panel for the Members' Allowance Scheme.
- To support Councillors in their development by providing a checklist to identify their development needs, both for the roles they are currently undertaking and for future roles to support succession planning.

Ward Councillor

Role and Responsibilities

Leadership at Ward Level

- To lead and champion the interests of the local community and effectively represent the interests of the Ward and its constituents.
- To meet and liaise regularly with local interested parties and involve and consult them on key Council decisions.
- To support and promote citizenship locally and empower the community to participate in the governance of the area.
- To undertake case work for constituents and act as an advocate in resolving concerns or grievances.
- To communicate with local people and answer enquiries:
 - about decisions that affect them
 - about opportunities in the community
 - regarding the rights of constituents within Hinckley and Bosworth
 - as to why decisions are taken
- To act as an advocate for the Council within the Authority and outside.

Localism

- To participate constructively in the effective governance of the area.
- To use influence as an elected representative to develop links between groups and communities in the Ward and local area.
- To forge local partnerships to ensure resources are targeted to meet the priority needs of the area.

Representation

- To contribute to and inform the debate at Council meetings and contribute to the effectiveness of the Council meeting as the focus of visible leadership.
- To contribute to the formation and scrutiny of the authority's policies, budget, strategies and service delivery.
- To contribute to the scrutiny of decision making and review of the policies and services of the council and of other public services delivered in Hinckley and Bosworth via the Scrutiny process.
- To represent the authority to the community and the community to the council.
- To develop and maintain a knowledge of the Council and develop effective working relationships with its officers.
- To participate in the activities of any political group of which the councillor is a member.
- To represent the council on outside bodies and to participate effectively in the appointed role and, where appropriate, to represent those bodies within the Borough.

Other

- Commitment to delivering excellent public services
- To fulfil the legal (in accordance with the Code of Conduct for Councillors) and local requirements placed on an elected member.
- To be responsible for your own personal development and undergo appropriate development and continuous improvement for any role undertaken.

Competencies

Community Leadership

Skills

- Ability to lead and champion the interests of the local community
- Ability to manage casework (including the use of IT to support the process)

- Community engagement
- Ability to influence & persuade
- Negotiation skills
- Managing conflict & mediation skills
- Ability to develop relationships with key officers and partner agencies
- Ability to build effective relationships with all sections of the community so as to be able to represent their needs to the Council
- Ability to chair meetings community and facilitate discussions

Knowledge

- Understanding of how the Council works
- Knowledge of the Council structure, key contact officers and services procedures and eligibility criteria
- Knowledge of the political decision making structures
- Understanding of the Code of Conduct for Councillors, ethics and standards and the role of the Ethical Governance & Personnel Committee.
- Understanding of national policies and their impact on the Council
- Knowledge of the strategic priorities and key policies of the Council
- Understanding of legislation and Council policies to which Members must adhere (e.g. Smoking Policy, Freedom of Information, Data Protection, Equalities Policy, Drugs and Alcohol Policy)
- Basic understanding of local government finances and audit processes
- Understanding the Corporate Parenting responsibilities
- Knowledge of the Councils complaints procedure

Communication Skills

- Ability to deal with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Ability to communicate with a range of audiences
- Active listening and questioning skills
- Presentation skills
- Public speaking

Political Understanding

Leader of the Council

This role profile is to be read in conjunction with the role profile for Executive Member. It identifies the responsibilities, skills and knowledge required of the Leader of the Council, that are in addition to those set out for an Executive Member.

Role and Responsibilities

- To provide leadership and direction to the Council
- To undertake the role of community leader, building a vision for the area and leading the Council and its partners towards realisation of that vision
- To represent the Council on the Local Strategic Partnership and other key local, sub-regional and regional partnerships.
- To chair the Executive and take responsibility for its performance
- To represent the authority, and be accountable for discussions and negotiations with the community and with regional, national and international organisations.
- To undertake political executive responsibility for proposing and directing the overall strategy, budget, policy arrangements and service reviews.
- To act as spokesperson for the authority (in consultation with the Leader of other political groups and the Chief Executive as appropriate).
- To ensure the work of the Executive is conducted in accordance with the Council's Constitution and with due regard for any statutory provisions set out in legislation.
- To facilitate good communication so that people within and outside the authority are able to contribute constructively to the decision making processes of the Council.
- To work closely with the Group Whip to ensure the smooth running of the Group and the personal development of its Members.
- To maintain effective liaison with the Chair of the Scrutiny Commission.
- To work with other Leaders in the sub-region to maximise benefits and opportunities to Leicestershire.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community

Scrutiny & Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the Executive's requirement to respond to Scrutiny

Communication Skills

- Ability to facilitate effective communication within and across the council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Ability to build effective relationships with other parts of the political management structure e.g. Council, Overview and Scrutiny, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members

Excellence in Leadership

- Strong commitment to delivering excellent public services

Skills

- Advanced Leadership Skills
- Ability to develop a vision for Hinckley & Bosworth and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level.
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council, Executive and its committees having regard to the terms of reference and the key challenges facing the Council

Knowledge

- A detailed understanding of the strategic role of the Leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

Deputy Leader of the Council

This role profile is to be read in conjunction with both the role profile for Executive Member and Leader of the Council. It identifies responsibilities specific to the role of Deputy Leader in addition to those of an Executive Member.

Role and Responsibilities

- To assist the Leader of the Council in the formal processes and matters of leadership of the authority specifically set out in the profile for the former.
- To work with the Leader of the Council on budget and policy development
- To take the appropriate developmental steps to be equipped, with the knowledge and skills to carry out the role of the Leader when called upon.
- To deputise for the Leader in his or her absence and undertake the above mentioned duties set out in the role profile for the Leader of the Council.

Skills

As it is expected that the Deputy Leader is able to deputise for the Leader, the additional skills and Knowledge set out for the Leader are copied here as they are also required of the Deputy Leader.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community

Scrutiny & Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the Executive Executives requirement to respond to Scrutiny

Communication Skills

- Ability to facilitate effective communication within and across the council to ensure the community are able to engage in the Council's decision making processes
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialists is required, to ensure the Council is positively represented
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking
- Advanced chairing skills

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Ability to build effective relationships with other parts of the political management structure e.g. full Council, Overview and Scrutiny, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members

Excellence in Leadership

- Strong commitment to delivering excellent public services

Skills

- Advanced Leadership Skills
- Ability to develop a vision for Hinckley & Bosworth and drive the Council and its partners towards achieving that vision
- Advanced Ambassadorial skills to be able to represent the Council both within and outside the Council, particularly at the sub-regional, regional and national level.
- Ability to lead the Council towards continuous improvement
- Ability to build effective relationships with external partners
- Ability to provide political leadership for their group
- Ability to, when necessary, discipline Members of their political group
- Advanced chairing skills
- Ability to plan and prioritise the business of Council, Executive and its committees having regard to the terms of reference and the key challenges facing the Council

Knowledge

- A detailed understanding of the strategic role of the Leader of the Council
- Detailed understanding of the legally defined role of the Chief Executive and other senior officers
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies

Executive Member

Role and Responsibilities

- To have the responsibility for, and provide a lead on, the initiation of policy and improvements in a defined area.
- To decide the executive action to be taken in implementing those matters of Council policy allocated to them within their portfolio, seeking advice from the Strategic Leadership Board and other Senior Managers where appropriate.
- To take personal responsibility, and to be held accountable, for any decisions taken, and to share with the appropriate Service Managers responsibility for the performance of services within their portfolio.
- To respond to or deal with any issues arising at Council meetings relating to their portfolio
- To act as spokesperson within and outside the authority on those services and functions within their portfolio.
- To be a member of, and attend, Executive meetings and to share the collective responsibility for decisions taken by the Executive.
- To act as an advocate for the Council within the Authority and outside.
- To provide regular reports on progress and to undertake consultation on decisions as required.
- To attend the Scrutiny Commission, Finance, Audit & Performance Committee and Scrutiny Panels to discuss decisions taken or support the policy formulation process.
- To attend relevant Executive meetings
- To develop partnership working with other agencies
- To represent the Council on outside bodies.
- To represent the Council and contribute the Hinckley & Bosworth perspective on national, regional and sub regional bodies
- To consult interested parties, ward councillors and citizens as part of the development and review of policy
- As part of the Executive to be involved in:
 - Delivering improvements across the Council
 - providing support to all councillors to help them develop constructive roles as Ward Members
 - leading the community planning process for the Council
 - the consultation on, and drawing up of, the revenue and capital budgets
 - taking decisions on resources and priorities to deliver the strategies and budget approved by council
 - promoting and participating in Member development.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, partners and political groups, to the benefit of the community

Scrutiny & Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge
- Understands the Executive's requirement to respond to Scrutiny

Communication Skills

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills

- Advanced public speaking skills
- Ability to facilitate effective communication within and across the council to ensure the community are able to engage in the Council's decision making processes
- Advanced chairing skills

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Leader and Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Ability to build effective relationships with other parts of the political management structure e.g. Council, Scrutiny, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members

Excellence in Leadership

Skills

- Advanced leadership skills for areas of individual responsibility and the ability to work with the Leader of the Council and Deputy Leader and other Executive members as an executive team
- High level decision making
- Ability to challenge the status quo and deal with complex strategic issues and problems
- Ambassadorial skills to be able to represent the Council both within and outside the Council
- Strong commitment to delivering excellent public services
- Ability to lead the Council towards continuous improvement for the areas within their portfolio
- Effective chairing skills to be able to chair meetings relating to their portfolio
- Ability to manage a busy and complex work load, often to tight timescales and deadlines
- Research skills and policy development
- Assimilating and analysing complex information
- Relationship building – with other Executive colleagues, Officers, Scrutiny, Partners etc
- Ability to work as part of an executive team to drive forward the continuous improvement of the Council

Knowledge

- Knowledge of the key areas relating to the Executive responsibilities, particularly in relation to service performance issues, targets, and benchmarks etc.
- A detailed understanding of the strategic role of the Executive within the Council Understanding of the role of a portfolio holder as part of the executive team
- Detailed understanding of Council strategy, policies and operations
- Understanding of the legally defined role of certain senior officers
- Detailed knowledge of the challenges facing local government
- Understanding of the national policy framework and its impact on local policy development
- Knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Knowledge of community needs and their priorities for action
- Knowledge of the role of local partners and the services they deliver

- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Understanding of the principles and importance of making rational decisions

Leader of an Opposition Group

Role and Responsibilities

- To lead an Opposition Group within the Council
- To manage the work of Members within that Group
- To manage the overall co-ordination of opposition spokespersons and the business of the Group
- To scrutinise the Leader of the Council and the Executive in their duties.
- To act as the principal spokesperson for an Opposition Group of which he/she is leader and as a representative of the authority to external bodies and organisations as appropriate.
- To comment, challenge and review the Council's administration performance in the co-ordination and implementation of its policies and procedures.
- To establish and represent the views of the Group on issues of policy and priority.
- To develop opposition Group policies that are credible and could be implemented by the Council
- To champion member development, to ensure the smooth running of the Group and the personal development of its Members.
- To advise the Leader of the Council of the Group's position on issues relating to external relationships.
- To represent the Group on relevant formal and informal working groups
- To maintain effective liaison with the overview and Scrutiny Chairmen, and where appropriate act as ambassador for the Council
- To participate in the development of corporate strategies and policies e.g. community strategy, corporate improvement plan

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

Scrutiny & Challenge

- Understands the purpose of Scrutiny
- Understanding of the role of Scrutiny in informing decision making
- Understands the need for Scrutiny to challenge and how do provide effective Scrutiny
- Ability to hold the Executive to account

Communication Skills

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Ability to facilitate effective communication within and across the council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. full Council, Scrutiny, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups
- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members
- Research skills and policy development

Excellence in Leadership

Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

Knowledge

- Understanding of the roles of the Leader of the Council, Executive Members and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers
- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group
- Understanding of the principles and importance of making rational decisions

Chairman of Scrutiny Commission

Role and Responsibilities

The Chairman of the Scrutiny Commission is responsible for effective scrutiny in Hinckley & Bosworth by:

- Developing, leading and promoting the overview and scrutiny function
- Managing and co-ordinating the overview and scrutiny function
- Continuing development of both the organisation and practice of overview and scrutiny learning from the experience locally and elsewhere.

1. Leading and Promoting the Scrutiny Function

- To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny contributes to effective decision-making in Hinckley & Bosworth.
- To represent scrutiny in Council and be accountable to Council for the actions of scrutiny.
- To ensure that scrutiny is publicised and communicated to build understanding of its role both within and outside the Council.
- To represent Hinckley & Bosworth at sub-regional, regional and national forums concerned with scrutiny.
- To represent the Scrutiny Commission on relevant boards and panels.
- To be responsible for the constitutional arrangements relating to the waiving of call in where decisions are “urgent” and / or not on the forward plan.

2. Managing and Coordinating the Scrutiny Function

- To Chair the meetings of the Scrutiny Commission and Scrutiny briefings
- To ensure that scrutiny work is properly coordinated
- To maintain an overview of the work of the Finance, Audit & Performance Committee and panels in order to ensure effective co-ordination and progress of all work.
- To monitor progress of all scrutiny reviews and ensure that they are completed in reasonable time.
- To support and advise the Chairman of any Scrutiny Panels and working groups
- To receive all requests for scrutiny and ensure initial investigation to inform consideration.
- To monitor the use of ‘call-in’ procedures to advise on whether the procedure is being used appropriately.

3. Development of Scrutiny

- To maintain an overview of scrutiny in Hinckley & Bosworth and to learn from best practice elsewhere
- To ensure the continuing development of overview and scrutiny in Hinckley & Bosworth through improving both how it is organised as well as the practice.
- To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in overview and scrutiny matters.

Competencies

Scrutiny & Challenge

- Leadership of the scrutiny function within and outside the Council including sharing and learning from best practice
- Leadership of the Commission as a team
- Ambassadorial skills through the representation and championing of the scrutiny function inside and outside the authority
- Objective setting and progressing those objectives on behalf of the scrutiny function by effective performance and project management

- A detailed awareness of the strategic importance of the scrutiny function within the Council
- A detailed awareness of the constitutional arrangements relating to the scrutiny function and particularly those of the Chairman
- A detailed awareness of the Council's approach to scrutiny and its relationship with the other parts of the Council's decision making structures
- Detailed knowledge of the challenges facing the scrutiny function and the role of the Chairman in addressing them
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function
- An awareness of project management principles
- Overseeing and prioritising scrutiny work, taking account of available resources
- Planning and coordinating the work of the Scrutiny Commission and its agenda
- Coordinating the work of the Finance, Audit & Performance Committee, scrutiny panels and working groups

Communication Skills

- High standard of communication with officers, Members, partners, external bodies and members of the public
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Advanced chairing skills

Working in Partnership

- Relationship building– with the Commission colleagues, Strategic Leadership Board / senior officers, partners etc
- Building effective relationships with other parts of the political management structure e.g. the Executive, Council, community forums etc.
- Ensuring effective contributions from each member of the Commission
- Detailed knowledge of the role of local partners and the services they deliver

Providing Vision

- Dealing with complex strategic issues and problems on behalf of the scrutiny function
- Obtaining and weighing up evidence and making decisions and recommendations based on that evidence
- Assimilating and analysing complex information

Chairman of Finance, Audit & Performance Committee

Role and Responsibilities

The Chairman of the Finance, Audit & Performance Committee is responsible for effective overview & scrutiny in Hinckley & Bosworth by supporting the Chairman of the Scrutiny Commission in:

- Developing, leading and promoting the overview and scrutiny function
- Managing and co-ordinating the overview and scrutiny function
- Continuing development of both the organisation and practice of overview and scrutiny learning from the experience locally and elsewhere.

The Chairman of the Finance, Audit & Performance Committee is also Vice-Chairmen of the Scrutiny Commission. This role profile should be read in conjunction with that of the Chairman of the Scrutiny Commission as the Vice-Chairmen will deputise for the Chairman when required.

1. Leading and Promoting the Scrutiny Function

- To maintain effective liaison with the Leader of the Council and the Chief Executive to ensure that scrutiny contributes to effective decision-making in Hinckley & Bosworth.
- To represent the scrutiny function in Council when necessary and be accountable to Council for the actions of the overview & scrutiny bodies.
- To ensure that the scrutiny function is publicised and communicated to build understanding of its role both within and outside the Council.

2. Managing and Coordinating the Scrutiny Function

- To Chair the meetings of the Finance, Audit & Performance Committee
- To Chair meetings of the Scrutiny Commission in the absence of the Chairman
- To ensure that the work of the Finance, Audit & Performance committee is properly coordinated and to coordinate the work programme
- To maintain an overview of the work of the committee in order to ensure effective co-ordination and progress of all work.
- To monitor progress of all scrutiny reviews undertaken by the committee and ensure that they are completed in reasonable time.

3. Development of Scrutiny

- To ensure the continuing development of overview and scrutiny in Hinckley & Bosworth through improving both how it is organised as well as the practice.
- To encourage the involvement of all interested parties and stakeholders, individuals, voluntary and community groups in overview and scrutiny matters.

Competencies

Scrutiny & Challenge

- Leadership of the scrutiny function within and outside the Council including sharing and learning from best practice
- Contribute to leadership of the Commission as a team
- Ambassadorial skills through the representation and championing of the scrutiny function inside and outside the authority
- Objective setting and progressing those objectives on behalf of the scrutiny function by effective performance and project management
- A detailed awareness of the strategic importance of the scrutiny function within the Council

- A detailed awareness of the constitutional arrangements relating to the scrutiny function and particularly those of the Chairman of a select committee
- A detailed awareness of the Council's approach to scrutiny and its relationship with the other parts of the Council's decision making structures
- Detailed knowledge of the challenges facing the scrutiny function and the role of the Chairmen of the Commission and Finance, Audit & Performance Committee in addressing them
- An awareness of changes facing local government and an understanding of how these might impact on the Council's scrutiny function
- An awareness of project management principles
- Overseeing and prioritising scrutiny work, taking account of available resources
- Planning and coordinating the work of the Committee and its agenda

Communication Skills

- High standard of communication with officers, Members, partners, external bodies and members of the public
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Advanced chairing skills

Working in Partnership

- Relationship building– with the colleagues on the Scrutiny Commission and Finance, Audit & Performance Committee, Strategic Leadership Board / senior officers, partners etc
- Building effective relationships with other parts of the political management structure e.g. the Executive, Council, community forums etc.
- Ensuring effective contributions from each member of the committee
- Detailed knowledge of the role of local partners and the services they deliver

Providing Vision

- Dealing with complex strategic issues and problems on behalf of the scrutiny function
- Obtaining and weighing up evidence and making decisions and recommendations based on that evidence
- Assimilating and analysing complex information

Chairman of Ethical Governance & Personnel Committee

Role and Responsibilities

- To chair the Ethical Governance & Personnel Committee in accordance with its terms of reference.
- To chair panels dealing with allegations of breach of the Council's Code of Conduct.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
- To work with the Council's Monitoring Officer in promoting and supporting standards of behaviour and ethics among all Councillors on the Borough Council and parish and town councils in the area.
- To advise officers on the content of the agenda for Committee meetings.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To ensure that all matters referred to it are dealt with promptly and in accordance with local and national guidance and on an entirely apolitical basis.
- To act as a spokesperson for the Ethical Governance & Personnel Committee.
- To present any reports or findings to the relevant bodies within the Council.
- To be aware of the Council's policies relating to Corporate and Personnel matters.

Competencies

Regulating and Monitoring

- Ability to represent the Ethical Governance & Personnel Committee to Members, the community and the media
- Planning, prioritising and managing the work of the Ethical Governance & Personnel Committee having regard to its terms of reference and current challenges facing the authority's human resources and to the deployment of available resources
- A detailed awareness of the national and local importance and role of the Ethical Governance & Personnel Committee, and the role of the Standards Board for England
- An understanding of the Council's Code of Conduct and the constitutional arrangements relating to the Ethical Governance & Personnel Committee
- Assimilating and analysing complex and contradictory information
- Obtaining and weighing up evidence and making decisions based on that evidence
- Awareness of relevant legislation and local/national developments relating to personnel matters, and their implications

Working in Partnership

- Relationship building - with the Council's Monitoring Officer, members of the Ethical Governance & Personnel Committee, senior officers

Communication Skills

- Advanced listening and questioning skills
- Effective presentations skills
- Effective public speaking
- Advanced chairing skills
- Communication skills – particularly with Members and Officers involved with the Ethical Governance & Personnel Committee and function
- Effective public speaking skills

- **Chairman of Planning Committee**

Role and Responsibilities

- To chair the Planning Committee in accordance with the agreed protocols.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics including the protocol relating to development control procedures.
- To ensure that contributions by the public to meetings are facilitated and controlled in accordance with the agreed procedure.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.

Competencies

Regulating and Monitoring

- Ability to represent the Planning Committee to Members, the community and the media
- Prioritising and managing the work of the Planning Committee including agenda planning
- Ability to plan and prioritise the business of the Planning Committee having regards to its terms of reference and key challenges facing the Planning Committee
- An in-depth understanding of development control issues and protocol relating to planning procedures and the Planning Committee
- Understanding of the role of Ward Councillors in the planning process and how to handle conflicts of interest between being a Ward Member and a member of the Planning Committee
- Understanding the role of the Planning Officers
- Ability to represent the Planning Committee to the community and the media

Working in Partnerships

- Relationship building particularly with senior officers involved in the planning function and Group Leaders

Communication Skills

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Planning Committee
- Intermediate presentations skills
- Intermediate public speaking
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Planning function is positively represented
- Advanced chairing skills

Chairman of Licensing and Regulatory Committees

Role and Responsibilities

- To chair the Licensing and Regulatory Committee in accordance with its terms of reference.
- To foster and maintain a disciplined approach by the Members involved having regard to high standards of behaviour and ethics
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Committee.
- To represent the Committees decisions in appeals to the Magistrates and higher Courts.
- To be aware of legislation and ongoing local and national developments on licensing and regulatory matters and their implications.
- To be the elected member spokesperson in regular scheduled meetings with the taxi vehicle trade and with other interested parties so that the Council maintains relationships and can have positive dialogue on licensing issues.

Competencies

Regulating and Monitoring

- Ability to represent the Licensing and Regulatory Committees to the community and the media
- Ability to plan and prioritise the business of the licensing and regulatory committees having regard to its terms of reference and key challenges facing the licensing and regulatory functions
- Knowledge and understanding of relevant legislation and local/national developments on licensing & regulatory matters, and their implications.

Working In Partnership

- Relationship building particularly with senior officers involved in the licensing and regulatory functions and Leaders

Communication Skills

- Advanced listening and questioning skills.
- Advanced chairing skills, including the ability to manage conflict
- Communication skills – particularly with Members and Officers involved with the Licensing and Regulatory Committees
- Effective presentations skills
- Effective public speaking skills
- Ability to work with the media and to identify when additional support from public relations specialists is required, to ensure the Council and the Licensing & Regulatory function is positively represented

Chairman of the Appeals Panel

Role and Responsibilities

- To chair meetings of the Panel in accordance with the relevant terms of reference.
- To represent the Council in all dealings with the public, media and other bodies in respect of the work of the Panel.

To deal with and decide upon all appeals as follows:

- Disciplinary matters under the Council's disciplinary procedure - Chief Executive, Deputy Chief Executive, Chief Officers and Statutory Officers.
- Housing matters - Introductory Tenancy Reviews

Competencies

Regulating & Monitoring

- Ability to plan and prioritise the business of the Appeals Panel having regard to its terms of reference
- Obtaining and weighing up evidence to reach conclusions and make recommendations based on that evidence
- In-depth understanding of the Appeals process
- In-depth knowledge of grievance and disciplinary procedures
- In-depth knowledge of the Introductory Tenancy process

Communication Skills

- Relationship building particularly with senior officers supporting / advising on the appeals processes of the council, Leaders and Panel Members.
- Advanced chairing skills.
- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Appeals Panel.
- Effective presentations skills
- Effective public speaking skills

Deputy Group Leader

This role profile is to be read in conjunction with the role profile for Group Leader.

Role and Responsibilities

- To undertake the development required to ensure the Member is equipped with the knowledge and skills required to carry out the role of the Group Leader when called upon.
- To assist the Group Leader to manage the work of Members within the Group.
- To work with the Group Leader on the budget and policy development for the Group
- To deputise for the Group Leader in his or her absence and undertake the duties set out in the role profile for Leader of a Group.
- To support the Group Leader in the initiation of policy.
- To work closely with the Strategic Leadership Board and Senior Officers where appropriate.
- To hold the Executive to account at Council meetings.
- To play a proactive role in Overview and Scrutiny to discuss decisions taken or support the policy formulation process.
- Consult interested parties, ward councillors and citizens as part of the development and review of group policy
- To assist the Group Leader when consulting on, and drawing up the revenue and capital budgets.

Competencies

Community Leadership

- Refer to Ward Member role
- Tact and diplomacy to be able to work across the full range of Council services, with Officers, partners and political groups, to the benefit of the community

Communication Skills

- Advanced communication skills to be able to work constructively with officers, Members and partners
- Advanced listening and questioning skills
- Advanced presentation skills
- Advanced public speaking skills
- Ability to facilitate effective communication within and across the council to ensure the community are given the opportunity to engage in policy development of the opposition group
- Advanced chairing skills
- Advanced skills in working with the media whilst being able to identify when additional support from public relations specialist is required, to ensure the Council is positively represented

Working in Partnership

Knowledge

- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed knowledge of the role of local partners and the services they deliver

Political Understanding

- Political sensitivity to be able to address difficult issues with other Groups
- Ability to build effective relationships with other parts of the political management structure e.g. Council, Scrutiny, Community Forums and other political groups
- Political sensitivity to be able to address difficult issues across all groups

- Understanding of the relationship between national politics and local political leadership

Providing Vision

Knowledge

- Understanding of the wider, national issues facing elected Members and the practical implications for the authority's Members
- Research skills and policy development

Excellence in Leadership

Skills

- Ability to provide political leadership of their Group and manage the tensions between the political demands and expectations of the Group, and the needs of the Council
- Ambassadorial skills to be able to represent the Council both within and outside the Council including at sub-regional, regional and national level
- Ability to, when necessary, discipline Members of their political Group
- Strong commitment to delivering excellent public services
- Effective chairing skills
- Assimilating and analysing complex information
- Ability to plan and prioritise the business of the Group

Knowledge

- Understanding of the roles of the Leader of the Council, Executive Members and the Leader of the Opposition Group within the Council
- Understanding of the legally defined role of certain senior officers
- Detailed knowledge of the work of national, regional and sub regional bodies and the role of the Council within them
- Detailed understanding of the national policy framework and its impact on local policy development
- Detailed knowledge of the challenges facing local government
- Understanding of Council strategy, policies and operations
- Knowledge of the role of local partners and the services they deliver and their relationship with the Council
- Understanding of the Council's constitution, code of conduct, budget and audit processes and key internal policies
- Detailed knowledge of community needs and their priorities for action
- Understanding of the wider, national issues facing elected Members and the practical implications for the Members in their group
- Understanding of the principles and importance of making rational decisions

Responsibilities of Members of the Appeals Panel

Role

- To deal with and decide upon all appeals as specified in the Constitution in relation to disciplinary matters and specific regulatory appeals.
- To make decisions based on the facts of the case

Responsibilities

- To recognise that appeals need to be held timely often on short notice and to make best endeavours to be available.
- To read all relevant papers ahead of the hearing and seek the advice of the Appeal Panel's legal advisor in determining the appeal.
- To weigh up the evidence and impact of decisions on all people involved in the matter including the Human Rights of employees, neighbours, tenants and local communities
- To attend appropriate training/development events in relation to this role.

Competencies

Regulating & Monitoring

- Ability to weigh up evidence to reach conclusions and make recommendations based on that evidence
- understanding of the Appeals process
- knowledge of grievance and disciplinary procedures
- knowledge of the Introductory Tenancy process

Communication Skills

- Advanced listening and questioning skills.
- Communication skills – particularly with Members and Officers involved with the Appeals Panel.
- Effective presentations skills

PART 10



Hinckley and Bosworth Borough Council Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which you can let us know your concerns. We will acknowledge all petitions sent or presented to the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it has twenty or more signatories and is either identified as being a petition, or it seems to us that it is intended to be a petition. You can submit a petition in paper format which should be sent to:

Democratic Services
Hinckley and Bosworth Borough Council
Council Offices
Argents Mead
Hinckley
LE10 1BZ

Alternatively as of October 2010 you will be able to create, sign and submit petitions online by following this link [E-petitions](#). If your petition has received 2000 signatures or more (or for single parish issues, a proportionate number of signature as listed on the attached schedule) it will be scheduled for a council debate.

What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition and what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including a postal address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first ten signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If your petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In this case, we will write to you to explain the reasons.

What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let you know what we plan to do with the petition and when they can expect to hear from us again. Details of the petition 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 (see below), 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.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. If the petition alleges misconduct by a councillor it will be treated as a complaint under the Code of Conduct and it will be passed to the Monitoring Officer. Further information on all these procedures and how you can express your views is available on the council's website.

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

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 and the action taken in response to them 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).

How will the council respond to your petition?

Our response to your petition will depend on what the petition asks for and how many people have signed it. It may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Scrutiny Commission¹
- calling a referendum
- writing to the petition organiser setting out our views about the request.

In addition to these steps, the council will consider any other appropriate actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners through the Local Strategic Partnership and where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible here [Council Services](#).

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the

other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Council debates

If your petition contains more than 2,000 signatures (or for single parish issues, a proportionate number of signature as listed on the attached schedule) it will be debated by councillors at the next convenient meeting of the council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

You will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. If more than one qualifying petition has been received they will be discussed in the order they were received by the council unless the Mayor decides to change the order.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. Where the issue is one on which the Executive² is required to make the final decision, the council will decide whether to make recommendations to inform that decision. Whatever the decision, you will receive written confirmation of it. This confirmation will also be published on our website.

Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 750 signatures (or for single parish issues, a proportionate number of signature as listed on the attached schedule), the relevant senior officer will give evidence at a public meeting of the council's Scrutiny Commission. The senior staff that can be called to give evidence are:

- The Chief Executive
- The Deputy Chief Executive (Community Direction)
- The Deputy Chief Executive (Corporate Direction)(S151 Officer)
- The Chief Officer (Housing, Community Safety and Partnerships)
- The Chief Officer (Environmental Health)
- The Chief Officer (Transformation)
- The Chief Officer (Business, Contract and Streetscene Services)
- The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)(Monitoring Officer).

You should be aware that the Scrutiny Commission may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call on a relevant councillor to attend the meeting. You will be able to propose questions to be put to the Officer in question up to three days before the meeting by contacting Democratic Services but these will be asked by the Commission Members.

E-petitions

The council welcomes e-petitions which are created and submitted through the e-petitions section of our website [link]. E-petitions must follow the same guidelines as paper petitions. As the petition organiser you will need to provide us with your name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose timeframes of 1, 3, 6 or 12 months.

When you create an e-petition, it may take seven days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will then have an opportunity to change and resubmit your petition if you wish. If you do not do this within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 14 days of submission.

How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature in the e-petitions section of our website.

When you sign an e-petition you will be asked to provide your name, a valid email address and your postcode if you live in the borough or the name of your employer or college if you work or study in the borough. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, you, as the petition organiser, have the right to request that the council's Scrutiny Commission reviews the steps that the council has taken in response to your petition. It is helpful to everyone and can improve the prospects for a review if you give a short explanation of the reasons why the council's response is not considered to be adequate. The Commission will consider your request at the next convenient meeting. Should the Commission determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of the Council. Once the appeal has been considered you will be informed of the results within seven days. The results of the review will also be published on our website.

¹The Scrutiny Commission is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the Scrutiny Commission has the power to hold the council's decision makers to account

² The Executive is a committee consisting of the Leader of the Council and up to nine other councillors which carry's out the functions of the local authority which are not the responsibility of any other part of the authority

SCHEDULE (SINGLE PARISH ISSUES)

PARISH	CONSTITUENTS	SIGNATURES REQUIRED TO CALL SENIOR OFFICER BEFORE SCRUTINY COMMISSION	SIGNATURES REQUIRED TO TRIGGER COUNCIL DEBATE
Stoke Golding	1412	13*	34
Higham-on-the-hill	583	6*	14*
Sutton Cheney	440	4*	11*
Sheepy	986	9*	24
Hinckley Special Expenses Area	24069	217	564
Barwell	7048	64	165
Burbage	11942	108	280
Earl Shilton	7517	68	176
Grobby	6030	55	142
Markfield	3700	34	87
Stanton Under Bardon	502	5*	12*
Bagworth and Thornton	1885	17*	45
Ratby	3353	31	79
Barlestone	1987	18*	47
Osbaston	216	2*	5*
Nailstone	436	4*	11*
Desford	3170	29	75
Peckleton	903	9*	22
Newbold Verdon	2477	23	58
Shackerstone	687	7*	17*
Cadeby	152	2*	4*
Carlton	252	3*	6*
Market Bosworth	1769	16*	42
Twycross	661	6*	16*
Witherley	1202	11*	29

* - All petitions must have a minimum of 20 signatures

Part 11

GLOSSARY OF TERMS

The purpose of this glossary is to give a concise summary of some of the more common financial, managerial and operational terminology which Members, Officers and the public are likely to meet during their day to day contact at the Council.

Access to Information

By law the public and Councillors must be given reasonable notice of matters to be discussed at a Council, committee or sub-committee meeting.

Assets

Land, property, buildings, equipment and vehicles in the ownership of the Council.

Audit

An independent review of a Council's financial activities to develop sound and efficient systems to minimise the risk of errors and to detect fraud.

Audit Commission

An independent body set up by the Local Government Finance Act 1982. It is responsible for the appointment of external auditors to local authorities. It has a duty to ensure that local authorities make proper arrangements to secure economy, efficiency and effectiveness and undertake in-depth inspection of Council Services.

Beacon Councils

A scheme being introduced from 1999 by the Government and Local Government Association to highlight best practice in certain councils, from which others can learn.

Best Value

The Local Government Act 1999 places a duty on Councils to demonstrate Best Value in all its services and to secure continuous improvement to their quality and efficiency. Described as a duty on local authorities to provide the quality of service that local people expect, at a price they are willing to pay. Boundary Committee for England

Capital Expenditure

Whereas revenue expenditure covers daily running costs and is financed from current income, capital expenditure is expenditure on something which will produce an asset capable of providing benefits to the community for several years to come. Such expenditure can be financed from a number of sources, including borrowing, capital receipts arising from the sale of other assets, capital grants from the Government, by leasing land or buildings owned by the local authority, via agreements with the private sector, or by a contribution from the authority's current account. Examples of capital expenditure might include building a new leisure centre, modernising buildings, or purchasing computer equipment.

Capping

Under the Local Government Finance Act 1988, the Government could 'cap' or limit the spending of a local authority if it considered it to be excessive. However, in the 1999 Local Government Act, this was abandoned in favour of reserve powers which enables the Secretary of State:

- to regulate increase in the Council Tax with effect from 1 April 2000
- to adopt such criteria as he thinks fit, but to focus on increases in local authorities' budget requirements.

It also introduced changes to Council Tax Benefit Subsidy which require local authorities to meet all or part of the cost of benefits payments which are attributable to increases in the level of Council Tax which exceed guideline figures announced by the Secretary of State.

Client Side

Staff responsible for specifying and monitoring the service level, outputs and price of work undertaken by internal and external contractors.

Collection Fund

This is the fund kept and maintained by each billing authority, into which are to be paid the amounts of council tax and non-domestic rates (NDR) which it collects, and out of which are to be paid precepts issued by major precepting authorities (e.g. counties), its own demands on the fund (including those of parishes) and payment into the national NDR pool. The main payments into the fund are:

Council Tax, Community Charge, Billing and Precepting Authorities Contribution to Deficit, Payments to the Precepting Authority, Billing Authority Demand, Billing and Precepting Authorities' Transfer of Surplus, NDR, Refunds.

Community Plan

A requirement of the Local Government Act 2000. This is a plan prepared by the Local Strategic Partnership, but facilitated by the Borough and County Councils which sets out the priorities of the Borough communities and the action needed to address them.

Conservation Area

An area designated by the Council as having architectural or historic value the character of which is worthy of protection and enhancement. The demolition of certain buildings within its boundaries may only be undertaken if the consent of the local planning authority is sought and obtained. Special consideration is given to planning applications made within a designated Conservation Area. Grants may also be available for the cost of certain repairs to buildings of architectural and historic interest.

Contaminated Land

Defined in Part 11A of the Environmental Protection Act 1990 as "land where there are substances in, on or under the land which are causing significant harm by identified pathways to identified targets or are causing pollution of controlled waters, or are likely to do so".

Contractor

Internal or external service provider which provides services as agreed in a contract with the client-side.

Contract Procedure Rules

These are rules that govern how the Council awards contracts worth more than a specified sum. The point of them is to make sure that contracts are awarded fairly. These are contained in Part 4 of the Council Constitution.

Corporate Plan

The long term strategy and vision of the authority which identifies the major issues which are to receive priority in discharging its business and services. It sets out also the Council's performance in the previous year.

Cost Centre

A cost centre is a local authority function or service area for which a specific budget is prepared and costs identified within the authority's accounts. Generally the expenses of a cost centre will be under the control of a single manager.

Council Tax

A banded property tax set by local authorities and levied on domestic properties. Each domestic property is allocated to one of eight bands, depending on its open market value at the 1 April 1991.

Council Tax Benefit

An allowance to persons on low income to meet in whole or in part their Council Tax liability. Administered by the local authority.

Council Procedure Rules

Detailed rules governing the order and conduct of the Council and committee business which are designed to ensure that meetings are conducted in an organised and orderly manner. Matters covered include the procedures for giving notice of motions, the raising of questions at Council meetings and rules of debate.

Data Protection Act

The Data Protection Act 1984 sets out the legal requirements with regard to the holding of personal data on computer systems, e.g. computer systems for council tax must be registered with the Data Protection Registrar. The provisions of the 1984 Act also cover the processing of council tax information held on document image processing systems and microfilm/microfiche systems with computer-aided retrieval.

Delegated Powers

By law the Council can give its Executive, Committees, Sub Committee and officers power to make certain decisions. Part 3 of the Council's Constitution – Responsibility for Functions and Delegations, set these out. Executive can also delegate its powers and responsibilities.

Derelict Land

Land so damaged by industrial or other development that it is incapable of beneficial use without treatment. This includes disused spoil heaps, worked out mineral excavations, abandoned industrial installations and land damaged by mining subsidence. It excludes land derelict from natural causes, land still in use and land with a planning permission containing conditions requiring after-treatment.

Development

Defined in Section 55 of the Town and Country Planning Act 1990 as "The carrying out of building, engineering, mining or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land".

Development/Planning Brief

A document, approved by the Council, relating to a specific site to assist the manner in which future development of the land is carried out. It aims to clarify and expand upon the physical and policy constraints affecting the development of the site, and offers information and guidance to prospective developers. The document also acts as the basis for the consideration of any planning applications which may subsequently be submitted in respect of the site.

District Audit Service

Auditors employed directly by the Audit Service to audit the accounts of local authorities. Among other things, the external auditors will check the accounts for legality, reasonableness, wilful misconduct and value for money.

The Audit Commission appoint auditors to each Council, which can be the District Audit Service (as with Hinckley & Bosworth) or a private audit company.

DLO (Direct Labour Organisation)

A distinct in-house organisation set up by a local authority to carry out construction/maintenance work set up under compulsory competitive tendering. Under Best Value no longer a legal requirement and now often integrated into client departments.

DSO (Direct Service Organisation)

Another name for DLO

Electoral Commission

A public body established by, but independent of, Government. It has a range of powers to oversee electoral matters and enforce controls on party funding and campaign expenditure.

External Audit

The independent examination of the activities and accounts of local authorities to ensure the accounts have been prepared in accordance with legislative requirements and proper practices, and to ensure that the authority has made proper arrangements to achieve economy, efficiency and effectiveness. The current external Auditor appointed by the Audit Commission is PriceWaterhouseCoopers.

Finance Procedure Rules

Formally called Financial Regulations. Internal rules and regulations concerning all financial transactions and related matters for all members and officers.

General Permitted Development Order

Sets out those categories of development which may be carried out without the need to apply for planning permission, i.e. "permitted development". The Local Authority can seek to make a legal direction requiring planning permission to be obtained for development that would normally be allowed by the Order (Article 4 Direction).

General Development Procedure Order

Sets out procedures for dealing with planning applications and contains provisions for publicity and consultation to which planning authorities must adhere.

General Fund

All district and borough councils have to maintain a general fund which is used to pay for day-to-day items of revenue expenditure such as wages and salaries, heating and lighting, office supplies, cleaning etc. The equivalent of the General Fund in county councils is called the County Fund.

General Fund spending is counted towards a council's expenditure for capping purposes. It specifically excludes expenditure relating to the provision of social housing which is charged to the Housing Revenue Account (HRA).

Green Belt

An area designated to be subject to special protection from built development in order to check the unrestricted sprawl of large built-up areas, to safeguard the countryside from further encroachment, to prevent neighbouring towns from merging with one another, and to assist in urban regeneration.

Greenfield

An area of undeveloped land often in agricultural use which may have potential for new built development but where no infrastructure services are available and is outside the built up area of an existing settlement.

Housing Associations

Independent, non-profit making organisations which exist to provide affordable accommodation to those in housing need.

Housing Benefit

An allowance to persons on low income to meet in whole or part of their housing costs. Benefit is allowed and paid by the Council but Central Government refunds part of the cost of the benefits and the running costs of the service to local authorities.

Housing Needs Survey

A survey undertaken to ascertain the housing needs of a council's area to assist in establishing affordable housing policies and the council's Housing Strategy.

Houses in Multiple Occupation

The definition of HMOs is broad, and includes hostels, nurses' homes, bed-sit accommodation and dwellings where residents share kitchen/bathroom/living room facilities.

Housing Revenue Account

Local authorities must keep a separate account called the Housing Revenue Account (HRA) to administer the income and expenditure arising from the provision of housing. Since 1990/91, local authorities have not been allowed to transfer monies between the General Fund and their HRA. This is known as "ring fencing". The system is designed to encourage authorities to set market rents for council tenants. .

Housing Strategy

The Council's Housing Strategy is a comprehensive document which sets out how the Council will achieve its aims and objectives in meeting housing need both through partnership and as a major provider of social housing

Internal Audit

Internal Audit is an independent appraisal function established by the management of an organisation for the review of the internal control system as a service to the organisation.

It objectively examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

Listed Building

A building included in a list compiled by the Secretary of State for National Heritage as being of special architectural or historic interest as defined in Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Buildings are classified in grades to show their relative importance (Grade I, II* and II). The effect of listing on a building, in planning terms, is to safeguard it from unauthorised demolition or insensitive alteration.

Local Area Agreement

An agreement between local authorities and other public agencies and the voluntary sector to establish joint priorities for the geographic area covered by the constituent bodies and to make arrangements to maximise the use of joint resources, in order to achieve more effective and improved service delivery and support for local people.

Local Government Association

Represents all local authorities as a national voice.

Local Development Framework

This is a comprehensive document required by statute and subject to public consultation which sets out the Council's policies and proposals with respect to land use and planning over a period of years. Its major tasks are to:

- Identify appropriate sites for new development;
- Meet local needs for facilities and amenities; and
- Protect the Borough's national and built assets.

Local Government Review (LGR)

The 1992 Local Government Act established a Local Government Commission with the express remit to review the boundaries of English non-metropolitan local authorities. When the Local Government Commission reported for Leicestershire, it recommended that the status quo be maintained with regard to Hinckley and Bosworth Borough Council. Therefore, the Council remained unchanged neither gaining or losing any territory or functions.

A further review of two tier areas is taking place in the three northern regions in which a referendum on an elected regional assembly will take place.

Local Strategic Partnership (LSPs)

Local strategic partnerships draw the key service providers in a local area into a single partnership with which the community is actively engaged, giving communities a greater say in the running and delivery of public services.

Local Transport Plan

An annual plan which the highways authority(Leicestershire County Council) have to forward to the Government, identifying their plans for sustainable transport.

Minimum Revenue Position

The Minimum Revenue Provision (MRP) is the minimum amount that a local authority must include in its revenue accounts, to repay the principal element of its borrowing for capital purposes.

National Non-Domestic Rates

These are paid on commercial, business and non-residential property, i.e. any property which is not a domestic dwelling. The level of NDR is determined by the Chancellor of the Exchequer, although local (billing) authorities are still responsible for its billing and collection. The level of NDR can only be increased year on year up to the level of the increase in the Retail Price Index.

Need to Know Rule

A rule which allows Councillors who are not on a committee to inspect background papers for that committee if it affects their constituents.

Net Expenditure

Gross expenditure less specific service income, but before deduction of Revenue Support Grant. (*see Revenue Support Grant*).

Outcome

The measurable effect of schemes or projects.

Output

The physical products, or measurable results, of schemes or projects.

Performance Indicators

The Audit Commission are required by the Local Government Act 1992 to publish a set of local authority service performance indicators each year for every local authority. The indicators are part of the Government's Citizen's Charter and are designed to help people assess the performance of their local authorities.

The services covered by the performance indicators range from refuse collection to the collection of Council Tax.

Every authority in England and Wales has to record its own performance the details to be published in a local newspaper; and the Audit Commission will then publish the results nationally.

Planning Policy Guidance/ Statement (becoming Supplementary Planning Documents)

A series of National policy guidance notes published by Government on specific planning matters or issues.

Public Open Space

Land normally held within the ownership of the Council over which all members of the public have rights and access to, for the purpose of informal recreation.

Public Right of Way

A footpath, bridleway or carriageway over which all members of the public have right of access.

Precept

The levy made by precepting authorities on billing authorities, requiring the latter to collect income from council taxpayers on their behalf. (*see precepting authorities*).

Precepting Authorities

Those authorities which are not billing authorities, such as county councils, parish councils and police authorities.

Point of Order/Information

A question raised to clarify whether the procedural rules are being adhered to/ A question raised to clarify something that has been said at a meeting.

Privilege

Councillors seeking to carry out their duties, for example in a Council meeting, are given qualified privilege. This means that a Councillor who was being sued for defamation would have limited protection if (s)he honestly believed what was said and was not motivated by malice.

Quango

Quasi-autonomous non-governmental organisations. The term 'quasi government' for which Quango is a popular acronym refers to both government-created and semi-private organisations which are both distinct from, but usually relate at 'arms length' to central government departments or local authorities. Quango is essentially an umbrella term under which a wide variety of organisations may be categorised.

Quorum

The number of Members that must be present at a meeting to make proceedings valid. Usually this is a quarter of eligible Members, or three, whichever is larger. These are set out in Part 4 of the Council Constitution.

Register of Members Interests

The Local Government Act 2000 and the Members Code of Conduct place requirements on Members for the registration and declaration of their interests and the consequences for the Members participation in consideration of an issue in light of these interests. Councillors need to review their situation regularly.

Guidance is available from the Monitoring Officer, however, the ultimate responsibility for fulfilling the requirements rests individually with each Councillor.

Reserved Capital Receipts

Under normal circumstances of the capital receipts received by the authority from the sale of assets etc, only a prescribed proportion can be used to finance capital expenditure. The remaining proportion has to be set aside, to be available to repay external debt. The set aside element are referred to as Reserved Capital Receipts, and are set aside as part of the Provision for Credit Liabilities.

The proportion of receipts which have to be set aside is prescribed by the Government, the current proportions being:

Receipts from the disposal of council houses	75%
Receipts from the disposal of other assets	50%

There are certain exceptions from the set-aside rules, referred to as In-and-Out Arrangements, such as some cases of land assembly activities, and also some cases where existing assets require replacing.

Reserves and Balances

These are accounting terms which refer to the amount of money still held at the end of the financial year, after allowing for all the expenditure and income that has taken place.

Resolution

A motion agreed by a meeting is subsequently referred to as a resolution.

Revenue Expenditure

Current expenditure plus debt charges.

Revenue Support Grant (RSG)

The main grant paid by Central Government to pay for day-to-day expenditure on Council services.

Ring Fencing

The identification of a separate sum of money which may only be used for a specific purpose.

Section 151 Officer

Section 151 of the Local Government Act 1972 states that, "every local authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs". These days, Section 151 officers come under a variety of job titles, including Treasurer, Deputy Chief Executive (Corporate Direction) or Resources, Chief Financial Officer, Deputy Chief Executive (Corporate Direction) etc.

Service Level Agreement

Service Level Agreements or SLAs are part of the process of devolving local authority budgets to give more responsibility to individual service managers. This will involve the negotiation of price and performance standards by individual sections who provide or receive services from other parts of the local authority. SLAs are usually seen as an essential step towards preparing services for CCT.

SLAs may also be referred to as TAGs or Trading Agreements, although some authorities use TAGs as the agreement itself, which then refers to the detail contained in the SLA.

Standing Orders

Detailed rules governing the order and conduct of the Council and committee business which are designed to ensure that meetings are conducted in an organised and orderly manner. Matters covered include the procedures for giving notice of motions, the raising of questions at Council meetings and rules of debate. These are now replaced by the Council Procedure Rules in this Constitution

Standing Orders Relating to Contracts

These are rules that govern how the Council awards contracts worth more than a specified sum. The point of them is to make sure that contracts are awarded fairly. These are now replaced by Contracts Procedure Rules in this Constitution.

Strategic Leadership Board

The senior management body responsible for day to day management of the Council's activities. It comprises: Chief Executive, Deputy Chief Executive, Chief Officers for Finance and ICT, Corporate Services, Culture and Development and Health and Environment.

Supplementary Estimate

If an area of expenditure arises during the year, for which there is no appropriate budget, then a formal request will be made of council to grant the approval of a Supplementary Estimate.

N.B. It is important to note that this procedure is only used where all other possibilities (e.g. Virement, etc.) have been totally exhausted.

Supplementary Planning Guidance

A series of documents prepared and approved by the Local Planning Authority following public consultation which give advice and explain the Borough Council's approach to particular aspects of development. They are intended to be a guide to developers and indicate the requirements and standards of the Borough Council that will be applied in the determination of planning applications.

SureStart

An initiative designed to improve the life chances of children by improving their health and social development and ensuring that they are ready to learn when they get to school so breaking the cycle of disadvantage.

Tax Base

The council tax base or resources of each authority is expressed in terms of its equivalent number of dwellings with two or more residents in valuation band D. This is used to set the tax rate of the authority and in the calculation of the authorities entitlement to Revenue Support Grant.

Every autumn, authorities make an assessment of their council tax base, in order for the Government to determine the Revenue Support Grant settlement for each authority for the following financial year. Billing authorities with a low council tax base, because they have a majority of dwellings in the lower valuation bands, will receive (according to need) more in Revenue Support Grant than authorities with a large number of dwellings in the higher valuation bands.

Tendering

The making of an offer by a contractor to carry out work. Usually invited on a competitive basis but sometimes negotiated. Competitive tenders are returned of a given date and time.

The Transfer of Undertakings (TUPE)

The Transfer of Undertakings (Protection of Employment) Regulations 1981 by which the UK implemented the European Union directive on the acquired rights of workers.

Tree Preservation Order

An order made by the Local Planning Authority to prohibit the felling or lopping trees specified in the Order without the consent of the Local Planning Authority.

Two Tier Local Government

A system in which responsibilities for local functions and services are divided between two separate district and county councils. Scotland and Wales have only unitary local government.

Ultra Vires

Local authorities are empowered to do only those things authorised by statute. If they do anything not authorised by statute that action is said to be ultra vires (beyond the powers of). Under the Local Government Act 2000, Councils were given a general power to promote the economic, social and environmental well-being of the area.

Unitary Local Government

A system of single tier "all purpose" councils which are each responsible for all local authority functions in an area. In England this includes unitary district councils, metropolitan district councils and London borough councils.

Use Classes Order

The Town and Country Planning (Use Classes) Order specifies use classes for different categories of buildings and land use. Generally where a change of use falls within the same use class then development is not involved and no planning permission is required. A change of use from one class to another may constitute development and consequently would require planning permission.

Virement

This is an accounting term which refers to the transfer of resources between budget heads. Finance Procedure Rules detail the levels at which virement may take place and the levels of authorisation required.

USEFUL ACRONYMS

ADC	Association of District Councils
ALA	Association of Local Authorities
BCA	Basic Credit Approval
BIGS	Bought in Goods and Services
CCT	Compulsory Competitive Tendering
CIEH	Chartered Institute of Environmental Health
CIPFA	Chartered Institute of Public Finance and Accountancy
CPA	Comprehensive Performance Assessment
DA	District Audit
DBFO	Design, Build, Finance, Operate
DEFRA	Department of the Environment, Food and Rural Affairs
DfES	Department for Education and Skills
DLG	Derelict Land Grant
DLO	Direct Labour Organisation (see glossary)
DSO	Direct Service Organisation (see glossary)
DTI	Department of Trade and Industry
DWP	Department for Work and Pensions
EFQM	European Foundation Quality Model (Formerly Business Excellence Model)
EMDA	East Midlands Development Agency
EMU	European Monetary Union
ERCF	Estate Regeneration Challenge Fund
ESF	European Social Fund
EU	European Union
GDPO	General Development Procedure Order
GOEM	Government Office for the East Midlands
GPDO	General Permitted Development Order
HERS	Historic Environment Records Service
HRA	Housing Revenue Account
ICT	Information and Communications Technology
ILAM	Institute of Leisure and Amenity Management
IRRV	Institute of Revenues, Rating and Valuation
ISRM	Institute of Sport and Recreation Management
IT	Information Technology
LA	Local Authority
LAA	Local Area Agreement
LEA	Local Education Authority
LGA	Local Government Association
LGC	Local Government Chronicle or Local Government Commission
LGIB	Local Government International Bureau
LHC	Local Housing Company
LSC	Learning and Skills Council
LSP	Local Strategic Partnership
LSVT	Large Scale Voluntary Transfer (of Housing Stock)
LTP	Local Transport Plan
MEP	Member of the European Parliament
MJ	Municipal Journal
NABMA	National Association of British Markets Authorities
NNDR	National Non-Domestic Rate
NVQ	National Vocational Qualification
PFI	Private Finance Initiative
POS	Public Open Space
PPG	Planning Policy Guidance
PROW	Public Right of Way
PSA	Public Service Agreement
PSBR	Public Sector Borrowing Requirement
RIBA	Royal Institution of British Architects

RSG	Revenue Support Grant
RTPI	Royal Town Planning Institute
SBI	Site of Biological Importance
SBS	Small Business Service (trades as Business Link)
SCA	Supplementary Credit Approval
SEA	Single European Act
SEM	Single European Market
SHG	Social Housing Grant
SMEs	Small and Medium Enterprises
SOLACE	Society of Local Authority Chief Executives
SPD	Supplementary Planning Document (replacing PPG)
SRA	Strategic Rail Authority
SRB	Single Regeneration Budget (<i>see glossary</i>)
SSA	Standard Spending Assessment
SSSI	Site of Special Scientific Interest
TIC	Tourist Information Centre
TIP	Tourist Information Point
TPO	Tree Preservation Order
TPP	Transport Policies and Programme
VFM	Value for Money
VOA	Valuation Office Agency