

# Hinckley & Bosworth Borough Council



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## CONSTITUTION OF THE COUNCIL

**Tenth Edition**  
September 2012

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### Revision History

<b>Version Number</b>	<b>Revision date</b>	<b>Previous revision date</b>	<b>Summary of changes</b>	<b>Changes marked</b>
Draft 0.1	2 August 2012 15:00	August 2010	Changes already agreed by Council	Tracked - rowen
Draft 0.2	2 August 2012 21:50	2 August 2012	TM's changes/comments on changes already agreed by Council	Tracked – Windows User Unresolved comments left in Council
Draft 0.3	20 August 2012 21:00	2 August 2012	Changes tracked in 0.1 and 0.2 accepted. LH's changes inserted	Tracked – Windows User
Draft 0.4	23 August 2012	20 August 2012	TM & SW changes	Tracked – Swood / TMiller
Draft 0.5	5 September 2012 14:00	23 August 2012	EH/Licensing changes tracked in addition to previous	Tracked rowen
Draft 0.6	6 September 2012 14:00	5 September 2012	Various changes added – Procedure rules, formatting, role profiles	Tracked – windows user & rowen
<u>Draft 0.7</u>	<u>7 September 2012 15:15</u>	<u>6 September 2012</u>	<u>Various amendments and additions addressing comments</u>	<u>Tracked L Horton</u>

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# CONSTITUTION OF THE COUNCIL

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# PART 1

## Summary and Explanation

### INTRODUCTION

Hinckley & Bosworth Borough Council's Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

### BACKGROUND - LOCAL GOVERNMENT

In Britain there is no constitutional document setting out the rights and responsibilities of local authorities and their relationship with National Government. Instead, there is a set of institutions and practices.

Local Government is in the public sector. It is political in nature because Councillors determine its direction and are democratically elected by local people. Central Government, however, has the capacity to direct and regulate councils through legislative and fiscal means.

Local government can only do what it is enabled to do by statute. This position has been widened considerably by the provisions of the Local Government Act 2000 which gives local councils the power to undertake a wide range of duties which they consider is likely to achieve the promotion or improvement of the economic, social or environmental well-being of their area. [More recently, the Localism Act 2011 has brought about further changes aimed at giving more power to communities and making decision making more transparent.](#)

### BACKGROUND - HINCKLEY & BOSWORTH BOROUGH COUNCIL

Hinckley & Bosworth Borough Council is one of 7 district (or borough) councils in Leicestershire, which operate within a two tier system where responsibilities are divided between the district council and Leicestershire County Council. The Borough Council administers a full range of district council duties, but works in partnership with many other agencies – public, private and voluntary.

The District of Hinckley & Bosworth was formed in April 1974 by the merger of the former Hinckley Urban District Council and Market Bosworth Rural District Council. The grant of a Charter gave the Council "Borough" status and authorised the office of Mayor as first citizen of the Borough.

Within the Borough there are 24 Parish Councils (including a town Council) which exercise very local functions and with which the Borough Council works closely on a range of issues.

### What's in Part 2 of the Constitution?

- 1.2 Article 1 sets out the powers and purpose of the Constitution.
- 1.3 Articles 2 – 17 explain the rights of citizens and how the key parts of the Council operate.
- 1.4. Part 3 explains the responsibility for functions.
- 1.5 Part 4 sets out the operational, legal and [Financial Procedure Rules](#).

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Citizens and the Council (Article 3).  
The Council meeting (Article 4).  
The Mayor (Article 5).  
The Overview & Scrutiny Function (Article 6).  
The Executive (Article 7).  
Planning Committee and other Committees (Article 8).  
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Joint arrangements (Article 11).  
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Officers (Article 13).  
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Finance, contracts and legal matters (Article 15).  
Review and revision of the Constitution (Article 16).  
Suspension, interpretation and publication of the Constitution (Article 17).

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1.6 Part 5 explains the high ethical standards to which the Council's Members are expected to work.

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1.7 Part 6 sets out the Members' allowance scheme.

1.8 Part 7 describes the Officer Management structure.

1.9 Part 8 Contains the Complaints and Compliments Procedure

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1.10 Part 9 provides a Glossary of terms and useful acronyms.

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### How the Council operates

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1.11 The Council is composed of 34 Councillors elected every four years. Councillors are democratically accountable to residents of their ward. The overriding duty of Councillors is to the whole community, but they have a special duty to their constituents, including those who did not vote for them.

1.12 Councillors have to agree to follow a code of conduct to ensure high standards in the way they undertake their duties.

1.13 All Councillors meet together as the Council. Meetings of the Council are open to the public. Here Councillors decide the Council's overall policies and set the budget each year. The Council as a whole appoints the Leader, the Leader then appoints his/her Executive and the Council annually appoints the Scrutiny Commission and other Committees, and holds them all to account on behalf of the community and electorate.

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### How Decisions are Made

1.14 The Executive is the part of the Council which is responsible for decisions within the policy framework adopted by the full Council. The Executive at Hinckley & Bosworth Borough Council is made up of 8 Councillors. When major, or "key", decisions are to be discussed or made, these are published in anticipated document which is regularly updated and aims to give 28 days' notice of a key decision being taken. The Executive has to make decisions which are in line with the Council's overall policies and budget. If it wishes to make a decision which is outside the budget or policy framework, this must be referred to the Council as a whole to decide.

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Many of the functions which are the direct responsibility of Council rather than the Executive are administered by committees or panels which consist of a lesser number of councillors than 34. For example, the Planning Committee (17 members) determines the "quasi-judicial" functions such as development control.

Deleted: If these major decisions are to be discussed with council officers at a meeting of the Executive, this will generally be open for the public to attend, except where personal or confidential matters are being discussed.

### Overview and Scrutiny

1.15 The Council appoints a Scrutiny Commission of 12 Councillors to make sure the Overview & Scrutiny function works and to act as a check to hold the Leader and Executive to account. The Scrutiny Commission is chaired by a leading Member who is not a member of the majority group.

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### The Council's Staff

1.16 The Council has people working for it (called 'Officers') to give advice, implement decisions and manage the day-to-day delivery of its services. Some Officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely.

Deleted: As with Councillors, officers have to act in accordance with a Code of Conduct, and a protocol governs the relationships between Officers and Members of the Council.

### Citizens' Rights

1.17 Citizens have a number of rights in their dealings with the Council. These are set out in more detail in Article 3. Some of these are legal rights, whilst others depend on the Council's own processes.

# PART 2

## Articles of the Constitution

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¶  
This Article sets out the provisions of the Constitution and confirms the Council will act within the law and the provisions of this Constitution. ¶  
¶  
**The Corporate Plan**¶  
¶  
Our Vision is:¶  
¶  
“A Borough to be Proud of”¶  
¶  
Our Strategic Aims are to be proud of our: ¶  
¶  
Cleaner & greener neighbourhoods ¶  
Thriving economy ¶  
Safer and healthier Borough ¶  
Strong and distinctive communities ¶  
Decent, well managed and affordable housing ¶  
¶  
In addition, a Community Plan for the Borough has been developed by a Local Strategic Partnership, which is facilitated by the Borough Council.¶  
¶  
¶  
¶  
¶  
¶



# Article 1 – The Constitution

## 1.1 Powers of the Council

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

## 1.2 The Constitution

This Constitution is the Constitution of Hinckley & Bosworth Borough Council.

## 1.3 Purpose of the Constitution

The Council aims to ensure that the Borough remains a safe, attractive and thriving place for all the community and to deliver or procure the delivery of quality services in the most efficient and effective manner. This Constitution is designed to provide an efficient, transparent and accountable decision-making framework within which the Council, its Committees and Officers [operate](#).

The purpose of the Constitution is to:

- a) enable the Council to provide clear leadership to the community
- b) support the active involvement of citizens in local authority decision-making;
- c) help Councillors represent their constituents effectively;
- d) enable decisions to be taken efficiently and effectively;
- e) create an effective means of holding decision-makers to public account;
- f) ensure that no one will review a decision in which they were directly involved;
- g) ensure that those responsible for decision making are clearly identifiable to local people
- h) provide a means of improving the delivery of services to the community.
- i) enable the Council to review its governance arrangements as required.

## 1.4 Interpretation and Review of the Constitution

In interpreting or reviewing the Constitution, the Council will be advised by its Officers having regard to the above and the overall intention of this Constitution.

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# Article 2 – Members of the Council

## 2.1 Composition

The Council comprises of 34 Members, otherwise called Councillors. Councillors will be elected by the voters of each of the Council's wards.

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## 2.2 Election and terms of Councillors

The regular election of Councillors will be held on the first Thursday in May every four years. The terms of office of Councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election. Where a by election is necessary due to a vacancy, the same terms apply from the fourth day after being elected.

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. Only registered voters of the area or those living, working or owning property or land there will be eligible to hold the office of Councillor, provided they are not disqualified from holding office and they have attained the age of 18 years by the date of their nomination.¶

## 2.3 Roles and functions of all Councillors

- be policy-makers and carry out a number of strategic and corporate management functions;
- represent their communities and bring their views into the Council's decision-making process
- act as an advocate for constituents in resolving particular concerns or grievances;
- balance different interests identified within the ward and represent the ward as a whole;
- represent the Council on other (external) bodies and report back to fellow Councillors
- actively encourage community participation and citizen involvement in decision making; and
- maintain the highest standards of conduct and ethics.
- participate in the governance and management of the Council.

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### Rights and duties

- Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary
- If a Councillor is refused access to documents, information, land or buildings of the Council he or she is entitled to a full explanation for the refusal.
- Councillors will not make public information that is confidential or exempt without the consent of the Council.

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## 2.4 Conduct

Councillors will at all times observe the Members' Code of Conduct.

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## 2.5 Allowances

Councillors will be entitled to receive allowances in accordance with the Members' Allowances Scheme set out in Part 6 of this Constitution.

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## 2.6 Councillor Role Descriptions

Role descriptions have been adopted which identify the individual roles and responsibilities of each Councillor depending upon the positions they hold on the Council and its Committees.

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# Article 3 – Citizens and the Council

## 3.1 Citizens’ rights and responsibilities

(a) **Voting.** Citizens on the electoral roll for the area have the right to vote at Council elections.

(b) **Information.** Citizens have the right to:

- attend meetings of the Council, Executive and its Committees except where confidential or exempt information is likely to be disclosed.
- find out what key decisions will be taken by the Executive and when;
- see reports and background papers, and any records of decisions made by the Council, Committees and the Executive; and
- inspect the Council’s accounts and make their views known to the external auditor.

(c) **Participation.** Citizens have the right to participate in the Council’s business by:

- signing a petition to request a referendum on a mayoral form of executive;
- asking questions at Executive or meetings of any Committee (in writing in advance), or to speak for or against a planning application being considered by Planning Committee;
- submitting a petition [in accordance with the Council’s Petitions Scheme](#);
- [joining our Citizens’ Panel](#);
- becoming a Councillor.

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

- the Council itself under its complaints procedure;
- the Ombudsman after using the Council’s complaints procedure;
- the [Ethical Governance & Personnel Committee](#) about a breach of the Member’s Code of Conduct.

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**3.2 Citizen Engagement/Participation¶**  
 ¶  
 The Council is committed to provide services that met the needs of the community. To achieve this, various methods of citizen engagement are undertaken. The primary mechanism for this is through the Hinckley and Bosworth Citizens’ Panel. All residents of the Borough are welcome to become part of the Panel.¶  
 ¶

# Article 4 – The Full Council

## 4.1 Functions reserved for Council

- (a) adopting and amending the Constitution;
- (b) approving or adopting the policy framework,
  - i) Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and regulations under section 32 of the Local Government Act 2000.
    - Corporate Plan;
    - Performance Plan;
    - Borough Community Plan (developed by the Borough’s Local Strategic Partnership and facilitated by the Borough Council);
    - Crime and Disorder Reduction Strategy (developed by a multi-agency Community Safety Steering Group);
    - Borough Local Development Framework including Supplementary Planning Documents.
  - ii) Other plans and strategies
    - Housing Strategies;
    - Environmental Management Strategy
    - Economic Development Strategy
    - Workforce Development & People Management Strategies;
    - Cultural Strategy
    - Green Space Strategy
    - Equality Policies;
    - Safeguarding Children Policy
    - Corporate Risk Management Strategy
    - Medium Term Financial Strategy
    - Asset Management Plan (including the Acquisitions and Disposal Strategy)
    - Play Strategy
    - Vulnerable Adults Protection Policy
    - Licensing Policy (3 Years)
    - Policy not to permit casinos

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The **Budget.** The budget includes the allocation of financial resources to different services and projects. Setting the Council tax and decisions relating to the control of the Council’s borrowing requirements. The control of its capital expenditure and the setting of delegation and virement limits. These all inform the Medium Term Financial Strategy, which is for the Council to approve;

### Treasury Management.

- (i) The Council will create and maintain, as the cornerstones for effective treasury management:
  - A treasury management policy statement, stating the policies, objectives and approach to risk management of its treasury management activities;
  - Suitable TMPs, setting out the manner in which the organisation will seek to achieve those policies and objectives, and prescribing how it will manage and control those activities.
- (ii) The Council will receive reports on its treasury management policies, practices and activities, including as a minimum, an annual strategy and

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plan in advance of the year, a mid year review and an annual report after its close, in the form prescribed in its TMPs.

- (iii) The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to the 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 TMPs and CIPFA's Standard of Professional Practice on Treasury Management.

**Housing Land Transfer.** Housing Land Transfer means the approval or adoption of applications to the Secretary of State for approval of a programme of disposal of 500 or more properties.

- (c) other functions set out in Part 3 of this Constitution;
- (d) appointing the Leader;
- (e) electing the Mayor and appointing the Deputy Mayor;
- (f) agreeing and/or amending the terms of reference for Committees, deciding on their composition and making appointments to them;
- (g) appointing representatives to outside bodies unless the appointment is a Executive function or has been delegated by the Council;
- (h) adopting an allowance scheme
- (i) changing the name of the area or conferring the title of honorary alderman;
- (j) confirming the appointment of the Head of Paid Service, Monitoring Officer and Section 151 Officer;
- (k) making, amending, revoking, re-enacting or adopting bylaws and promoting or opposing the making of local legislation or personal Bills;
- (l) all local choice functions set out in Part 3 of this Constitution which the Council decides should be undertaken by itself rather than the Executive;
- (m) to represent the views of the local community on matters of significance;
- (n) to retain overall responsibility for regulatory functions;
- (o) appointing the Deputy Chief Executives (this may be delegated to the Ethical Governance & Personnel Committee)
- (p) all other matters which, by law, must be reserved to Council;

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## 4.2 Council meetings

There are four types of Council meeting:

- (a) the annual meeting;
- (b) ordinary business meetings;
- (c) extraordinary business meetings;
- (d) meetings for topic debates (non-decision-making)

#### 4.3 **Responsibility for functions**

The Council will maintain the tables in Part 3 of this Constitution setting out the responsibilities for the Council's functions which are not the responsibility of the Executive.

The Council may establish trusts, partnerships or private limited companies to discharge functions on its behalf. It may also delegate responsibilities to other Local Authorities.

# Article 5 – The Mayor

In Hinckley and Bosworth Borough Council, the role of Mayor is one of civic leader only.

## 5.1 Role and function of the Mayor

The Council will elect the Mayor annually. The Mayor and, in their absence, the Deputy Mayor will have the following roles and functions:

### (a) The Ceremonial Role of the Mayor

- (i) **First Citizen.** The Mayor of the Council shall take precedence and shall be the first citizen of Hinckley & Bosworth.
- (ii) **Promotion of the Council.** The Mayor will positively promote the Council as a whole and act as the focal point for the community.
- (iii) **Ceremonial Matters.** The Mayor will carry out all civic and ceremonial functions on behalf of the Council.

### (b) Other Responsibilities of the Mayor

- (i) to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- (ii) to preside over meetings of the Council so that its business can be carried out efficiently, transparently and with good conduct and with regard to the rights of Councillors and the interests of the community;
- (iii) to ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which all Members are able to hold the Executive and other Committees of the Council to account;
- (iv) to promote public involvement in the Council's activities;

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# Article 6 – The Overview & Scrutiny Function

## 6.1 TERMS OF REFERENCE

The Overview & Scrutiny Function consists of the Scrutiny Commission and the Finance, Audit & Performance Committee. These will be appointed by the Council to discharge functions conferred by the Local Government Act 2000.

## 6.2 GENERAL ROLE

Within their terms of reference and with the aim of improving services to the public and on their behalf, the Scrutiny Commission and Finance, Audit & Performance Committee will:

- i) review and/or scrutinise decision made or actions taken in connection with the discharge of any of the Council’s functions, as an internal “critical friend”;
- ii) make reports and/or recommendations to Council and /or the Executive in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants or the activity of other public bodies operating within the Borough;
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or Executive decisions delegated to individual Executive Members or officers;
- v) consider Audit Commission inspections and advise the Council on their appropriateness, focus and recommendations;
- vi) approve an annual work programme;
- vii) the Scrutiny Commission will put in place a system to ensure that referrals to the Executive, either by way of report or for reconsideration, are managed efficiently within the terms of the Constitution;
- viii) appoint where appropriate a Panel to review a specific issue or topic on a task and finish basis;
- ix) consider “Councillor Calls for Action” and Petitions as referred under the Petitions Scheme.

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## 6.3 SPECIFIC FUNCTIONS

- i) assist~~ing~~ the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct~~ing~~ research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider~~ing~~ and implement~~ing~~ mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question~~ing~~ members of the Executive and the Strategic Leadership Board about their views and professional opinions on issues and proposals affecting the area;
- v) liais~~ing~~ with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- vi) ens~~uring~~ effective scrutiny of the Treasury Management Strategy and Policies;
- vii) review~~ing~~ and scrutinis~~ing~~ the decisions made by and the performance of the Executive and council officers both in relation to individual decisions and over a period of time;
- viii) review~~ing~~ and scrutinis~~ing~~ the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and monitor~~ing~~ the eventual effectiveness of decisions taken and compar~~ing~~ to original output forecasts;
- ix) question~~ing~~ members of the Executive and/or committees, senior officers or contractors about their decisions and performance, whether generally in

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· (a) Policy development and review¶  
¶  
· The Scrutiny Commission and Finance, Audit & Performance Committee may:¶

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¶ (b) Scrutiny¶  
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· The Scrutiny Commission and Finance, Audit & Performance Committee may:¶

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- comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- x) making recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
  - xi) reviewing and scrutinising the performance of other public bodies operating in the area and inviting reports from them;
  - xii) questioning and gathering evidence from any person (with their consent);
  - xiii) co-opting non-Council members to assist in the scrutiny of specific issues on which they might have expert knowledge;
  - xiv) preparing and presenting an Annual Report to Council on each full year's workings and making recommendations for future work programmes.

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#### 6.4 PROCEEDINGS OF OVERVIEW & SCRUTINY BODIES

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

#### 6.5 MEMBERSHIP

The Scrutiny Commission will consist of 12 members of Council and Finance, Audit & Performance Committee of seven members of Council and both will be politically proportionate. The Mayor and members of the Executive may not be a member of the Scrutiny Commission. The Chairmanship of the Scrutiny Commission will be allocated to a Councillor who is not from the majority group, by decision of the Council, and two Vice-Chairmen appointed from each of the other two Groups. One of these Vice-Chairmen will be Chairman of the Finance, Audit & Performance Committee. Non-Council members may be co-opted to Overview & Scrutiny bodies in a non-voting capacity for specific areas of investigation, by agreement of the Scrutiny Commission.

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- (c) Treasury Management¶
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- . The Finance, Audit & Performance Committee will be responsible for ensuring effective scrutiny of the treasury management strategy and policies.¶
- ¶
- (d) Annual report¶
- ¶
- . The Scrutiny Commission should prepare and present an Annual Report to full Council on each full year's workings and make recommendations for future work programmes.¶
- ¶
- Page Break-----
- (e) Officers¶
- ¶
- . The Finance, Audit & Performance Committee may determine the work programme it requires within the resources made available by Council.¶

#### 6.6 PARTY WHIP

The Council has decided that the use of the party whip is not appropriate for the business of Overview & Scrutiny bodies.

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# Article 7 – The Executive

## 7.1 Role

The Executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, acting as the Council's Executive

## 7.2 Form and composition

The Executive will consist of the Leader of Council together with ~~seven~~ other Councillors appointed by the Leader.

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## 7.3 Leader

The Leader of Council will be a councillor elected to the position by the Council. The Leader will hold office until:

- (a) the Annual Meeting of Council four years from the date of the appointment following a Borough election;
  - (b) he/she resigns from the office; or
  - (c) he/she is suspended from being a Councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
  - (d) he/she is no longer a Councillor; or
  - (e) he/she is removed from office by resolution of the Council or
  - (f) his/her successor is appointed by the Council,
- (whichever is the earliest).

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## 7.4 Other Executive Members

Only Borough Councillors may be appointed to the Executive and they will be appointed by the Leader of Council. There may be no co-optees and no deputies or substitutes for Executive Members from outside Executive. Neither the Mayor nor Deputy Mayor of the Council may be appointed to the Executive. ~~One Member of the Executive will be appointed Deputy Leader of the Council by the Leader.~~

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Other Executive Members shall hold office until:

- (a) ~~the Annual meeting of Council four years from the date of the appointment following a Borough Council election;~~
  - (b) they resign from office; or
  - (c) they are suspended from being Councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
  - (d) they are no longer Councillors; or
  - (e) they are removed from office, either individually or collectively, by the Leader of the Council,
- (whichever is the earliest).

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## 7.5 Proceedings of the Executive

Proceedings of the Executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution and in accordance with relevant legislation.

## 7.6 **Responsibility for functions**

A list is maintained in Part 3 of this Constitution setting out which individual Members of the Executive, Committees of the Executive, Officers or joint arrangements are responsible for the exercise of particular Executive functions.

Each Member of the Executive will, in addition to holding a portfolio, be nominated as substitute for another Executive Member, to facilitate delegated decision taking in the absence of an Executive Member.

# Article 8 – Committees

The Council will appoint the following Committees:

<u>Planning Committee</u>	<u>To undertake regulatory and other related functions of the Council as Local Planning Authority and Building Control Authority.</u>
<u>Ethical Governance &amp; Personnel Committee</u>	<u>To promote and maintain high standards of conduct by Councillors and to administer the Council's Personnel policies as they affect individual employees and to liaise with the Executive in Personnel Policy Development.</u>
<u>Licensing Committee</u>	<u>Under the direction of the Council to undertake duties of the Council as Licensing Authority for duties under the Licensing Act 2003 and Gambling Act 2005</u>
<u>Regulatory Committee</u>	<u>Under the direction of the Council to undertake duties of the Council as the regulatory authority for Environmental Health, Waste Collection and Finance Authority, in addition to the relevant duties in relation to taxi and private hire vehicles, small lotteries and amusements, street collections, gaming, gaming machines, street trading consents, under the relevant Acts.</u>
<u>Emergency Committee</u>	<u>authority to exercise any of the functions of the Full Council or Executive which are necessary in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan, or in other urgent cases, except where the Head of Paid Service or s151 Officer has the statutory power to act.</u>

## MEMBERSHIP OF COMMITTEES

<u>Planning Committee</u>	<u>will consist of 17 members of the Council chosen to represent the authority as closely as possible the political and geographical balance of the Council. The Committee will not include the Executive Member with responsibility for Development Control matters, but can include a maximum of three other Executive Members.</u>
<u>Ethical Governance &amp; Personnel Committee</u>	<u>will consist of nine members of the Council.</u>
<u>Licensing Committee</u>	<u>will consist of 11 members of the Council.</u>
<u>Regulatory Committee</u>	<u>will consist of 11 members of the Council.</u>
<u>Emergency Committee</u>	<u>will consist of seven members of the Council including the Leader of the Council, 3 other Executive Members (appointed by the Leader of the Council) and Leader and Deputy Leader of the opposition group &amp; one Member representing any other party(ies) on the Council.</u>

**N.B.** Members of Planning Committee and Licensing and Regulatory Committees and substitutes must undertake specific training relating to the functions of the Committee, within 3 months of being appointed, unless they have already undertaken the training. They must also undertake refresher training annually when provided.

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# Article 9 – Joint Arrangements

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## 10.1 Joint arrangements

- (a) The Council may establish joint arrangements with one or more local authorities. Such arrangements may involve the appointment of joint Committees with these other local authorities.
- (b) Where joint arrangements involve a joint committee to discharge a number of functions on behalf of the Council, some of which are the responsibility of the Executive of that Council and some of which are the responsibility of the local authority as a whole, appointment of Members to that joint committee are made by the Council with agreement of the Leader of the Council. Where there is more than one Member of Council appointed, at least one Member will be an Executive Member and political balance requirements will apply.
- (c) The Executive may appoint Members to a joint Committee from outside the Executive in the following circumstances:
  - the joint Committee has functions for only part of the area of the authority, and that area is smaller than two-fifths of the authority by area or population. In such cases, the Executive may appoint to the joint Committee any Councillor who is a Member for any ward which is wholly or partly contained within the area;

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## 10.2 Access to information

- (a) The Access to Information Rules in Part 4 of this Constitution apply.
- (b) If all the Members of a joint Committee are Members of the Executive in each of the participating authorities then its access to information regime is the same as that applied to the Executive.
- (c) If the joint Committee contains Members who are not on the Executive of any participating authority then the access to information rules in Part VA of the Local Government Act 1972 will apply.

## 10.3 Delegation to and from other local authorities

- (a) The full Council may delegate functions to another local authority or, in certain circumstances, to the Executive of another local authority.
- (b) The Executive may delegate Executive functions to another local authority or the Executive of another local authority in certain circumstances.
- (c) The decision whether or not to accept a delegation from another local authority shall be reserved to the Council or to the Executive if it is an Executive function.

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## 10.4 Contracting out

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

## 10.5 Traffic Management Act 2004 – Adjudication Joint Committee

The Council is party to a Joint Committee Agreement set up under the Traffic Management Act 2004 for the adjudication of parking appeals.

## 10.6 Police Reform and Social Responsibility Act 2011

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Local authorities appoint members on to the Police Crime Panel. They must ensure it is balanced; as far as possible, according to the geographical and political make-up of the force area and that members have the skills and experience required to function effectively. The PCC will answer to the public on cutting crime in their police force area. They will also hold the Chief Constable to account for the performance of the police force.

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### 10.7 Joint Committees

The Council has one joint Committee for the Shared Leicestershire Revenues and Benefits Partnership.

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## Article 10 – Partnerships

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### 11.1 Defining a Partnership

The word “partnership” is used with increasing frequency in both the public and private sector and can mean many different things to different people.

A partnership has:

- an agreed framework for jointly delivering common goals
- shared risks and resources
- identified added value and measurable impact
- shared accountability for outcomes

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¶ The Government's Comprehensive Area Assessment (CAA) arrangements for local authorities have identified the importance of partnership working, and place stronger emphasis on working with partners. CAA will focus on the effectiveness of the Council's approach to political, managerial and community leadership, user focus and diversity, achievement in shared priorities, and delivering outcomes through partnership working.¶  
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### 11.2 Creation of Partnership

The creation of any new formal partnership must be approved by the appropriate body.

This Council has a number of formal and informal arrangements with other Local Authorities.

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# Article 12 – Officers

## 12.1 Management structure

(a) **General.** The full Council may engage such staff (referred to as Officers) as it considers necessary to carry out its functions.

(b) **Chief Officers and Directors.** The full Council will engage persons for the following posts which will form the Strategic Leadership and Corporate Operations Boards:

- Chief Executive
- Deputy Chief Executive (Corporate Direction)
- Deputy Chief Executive (Community Direction)
- Chief Officer (Business, Contract and Streetscene Services)
- Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)
- Chief Officer (Housing, Community Safety and Partnerships)
- Chief Officer (Environmental Health)
- [Chief Officer \(Finance, ICT, Asset Management, Audit & Procurement\)](#)

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POST	FUNCTIONS AND AREAS OF RESPONSIBILITY (these are for explanation rather than definition)
<p>Chief Executive</p> <p>Additional Designations:</p> <p>Head of Paid Service Returning/Deputy Returning Officer District Emergency Planning Officer</p>	<p>Overall corporate management and operational responsibility including overall management responsibility for Officers and relationships with Members.</p> <p>Responsible also for: External Communications Emergency Planning Crime &amp; Disorder Local Elections</p>
<p>Deputy Chief Executive (Community Direction)</p> <p>Additional Designations: Chief Planning Officer Licensing and Gambling Public Conveniences</p>	<p>Leisure, Events, Youth &amp; Sports Development Community Safety Youth Council Markets Tourism Partnerships</p> <p>Planning (Development Control) Building Control Land Charges Economic Development Housing Strategy Housing Management &amp; Operations Homelessness Strategic Planning (Local Development Framework) Regeneration and Sustainability Environmental Health Health Promotion <a href="#">Community Planning</a> <a href="#">Health &amp; Safety</a></p>

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Car Parks & CPE

<p>Deputy Chief Executive (Corporate Direction)</p> <p>Additional Designation: Proper Officer for Financial Affairs (Section 151 Officer)</p>	<p>Accountancy Revenues Benefits Council Tax/Business Rates Housing and other Rents Fraud detection and Prevention Cashiers Corporate ICT Services Procurement Audit Asset Management Management and maintenance of Council land and buildings (other than Housing land/buildings)</p>
<p>Chief Officer (Business, Contract and Streetscene Services)</p>	<p>Waste Management Grounds Maintenance Street Cleansing and Sweeping Burial Services Parks and Countryside <a href="#">Car Parks</a> <a href="#">Housing Repairs</a></p>
<p>Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)</p> <p>Additional Designation: Monitoring Officer</p>	<p>Human Resources, Training and Investors in People Legal Services Including the Issue, receipt, custody and signature of contracts, notices and other formal documents on behalf of Council Election Services Governance and Member Services including training, <a href="#">Civic Support</a> Communications and Press Liaison Central Support Health &amp; Safety Performance, Risk, Data Quality <a href="#">Consultation</a> <a href="#">Customer Services</a></p>

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## 12.2 Functions of the Head of Paid Service

- (a) **Discharge of functions by the Council.** The Head of Paid Service will report to full Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of Officers required for the discharge of functions and the organisation of Officers.
- (b) **Restrictions on functions.** The Head of Paid Service may not be the Monitoring Officer but may hold the post of Proper Officer for Financial Affairs if a qualified accountant.

## 12.3 Functions of the Monitoring Officer

- (a) **Maintaining the Constitution.** The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Members, staff and the public.
- (b) **Ensuring lawfulness and fairness of decision making.** After consulting with the Head of Paid Service and Proper Officer for Financial Affairs, the Monitoring Officer will report to the full Council, or to the Executive in relation to a Executive function, if he or she considers that any proposal, decision or



omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered. All Members of the Council must receive a copy of such a report. Where the report is considered by the Executive, it must report to the Council and the Monitoring Officer explaining what, if any, action is to be taken.

- (c) **Supporting the Ethical Governance & Personnel Committee.** The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Ethical Governance & Personnel Committee. He or she will receive and act on complaints received regarding Member conduct and will conduct investigations and make reports or recommendations in respect of them to the Ethical Governance & Personnel Committee.
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  - Deleted: Standards Committee
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- (d) **Proper Officer for Access to information.** The Monitoring Officer will ensure that Executive and Council decisions, together with the reasons for those decisions and relevant Officer reports and background papers are made publicly available.
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- (e) **Advising whether Executive decisions are within the policy framework.** The Monitoring Officer will advise whether decisions of the Executive are in accordance with the policy framework.
- (f) **Providing advice.** The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, impropriety, probity and budget and policy framework issues to all Councillors.
- (g) **Restrictions on posts.** The Monitoring Officer cannot be the Proper Officer for Financial Affairs or the Head of Paid Service.

#### 12.4 Functions of the Proper Officer for Financial Affairs (section 151 Officer) & his/her Deputy

- (a) **Ensuring lawfulness and financial prudence of decision making.** After consulting with the Head of Paid Service and the Monitoring Officer, the Proper Officer for Financial Affairs will report to the full Council, or to the Executive in relation to a Executive function, and the Council's external auditor if he or she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully. All Members of Council must receive a copy of such a report. Where a report is considered by the Executive, they must report to Council and the Chief Finance Officer and the Council's Auditor, explaining what action, if any, is to be taken.
- (b) **Administration of financial affairs.** The Proper Officer for Financial Affairs will have responsibility for the administration of the financial affairs of the Council.
- (c) **Contributing to corporate management.** The Proper Officer for Financial Affairs will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- (d) **Advising whether Executive decisions are within the financial framework.** The Proper Officer for Financial Affairs will advise whether decisions of the Executive are in accordance with the financial and budget framework.
- (e) **Providing advice.** The Proper Officer for Financial Affairs will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all Councillors

and the mayor and will support and advise Councillors and Officers in their respective roles.

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- (f) **Give financial information.** The Proper Officer for Financial Affairs will provide such financial information as he/she considers appropriate to the media, members of the public and the community.

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#### 12.5 **Duty to provide sufficient resources to the Monitoring Officer and Proper Officer for Financial Affairs**

The Council will provide the Monitoring Officer and Proper Officer for Financial Affairs with such Officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

#### 12.6 **Conduct**

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations.

#### 12.7 **Employment**

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

#### 12.8 **List of Politically Sensitive Posts**

Certain senior posts are required, under Section 2(2) of the Local Government and Housing Act 1989, to be included on a list of politically sensitive posts. The post holders are precluded from holding any political office.

# Article 12 – Decision Making

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Some decisions are for the Council to make or for it to delegate to committees, sub-committees and/or officers, or to joint committees or joint arrangements or other authorities. Other decisions are for the Executive to make, and it is for the Executive to decide whether to delegate the power to make any of those decisions. Only the Executive may decide to delegate Executive functions to Area Forums, joint arrangements or other local authorities.

## 13.1 Principles of decision making

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

- (a) have regard to all relevant considerations
- (b) operate within the law
- (c) observe any procedural requirements
- (d) carry out a realistic evaluation of alternatives
- (e) take professional advice from Officers
- (f) have clear aims and desired outcomes
- (g) carry out appropriate consultation
- (h) observe proportionality
- (i) have respect for human rights
- (j) have a presumption in favour of openness
- (k) have due regard to the likely effect on crime & disorder within the area
- (l) have due regard to the needs of children and young people and those over the age of 55
- (m) have due regard to the impact of decisions on rural areas
- (n) pursue the aims & objectives of the Community, Corporate Plan, strategies and policies.
- (o) Have regard to the Nolan Principles

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## 13.2 Types of decision

- (a) Decisions reserved to Council. Decisions relating to the functions listed in Article 4 will be made by the Council and not delegated.
- (b) Key decisions
  - (i) A key decision is defined as a decision which:
    - involves expenditure (or reduction of 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; or
    - involves a recommendation by Executive to a Partnership organisation which will take the ultimate decision.
  - (ii) A decision taker may only make a key decision in accordance with the requirements of the Executive Procedure Rules set out in Part 4 of this Constitution.

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## 13.3 Decision making

Subject to Article 13.08, decision making will be in accordance with the respective and appropriate Procedure Rules. Unless otherwise specified all meetings will be conducted in accordance with the Council Procedure Rules (note specific procedures for Executive.)

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13.4 **Decision making by Council bodies acting as tribunals (Planning, Licensing, Regulatory [and Ethical Governance & Personnel Committees](#))**

The Council, a Councillor or an Officer acting as a tribunal or in a quasi judicial manner or determining/considering (other than for the purposes of giving advice) the civil rights and obligations or the criminal responsibility of any person will follow a proper procedure. Advice on such procedure including having regard to Human Rights can be obtained from the Monitoring Officer.

# Article 13 – Finance, Contracts and Legal Matters

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## 14.1 Financial management

The management of the Council's financial affairs will be conducted in accordance with the [Financial Procedure Rules](#)

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## 14.2 Contracts

Every contract made by the Council will comply with the [Contract Procedure Rules](#)

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## 14.3 Legal proceedings

The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) is authorised to defend or participate in any legal proceedings in any case where such action is necessary.

## 14.4 Authentication of documents

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Proper Officer or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given, requisite authority to some other person.

Any contract with a value exceeding £50,000 entered into on behalf of the local authority in the course of the discharge of a Executive function shall be made in writing. Such contracts must either be signed by at least two Officers of the authority or made under the Common Seal of the Council attested by the Proper Officer.

## 14.5 Common Seal of the Council

The Common Seal of the Council will be kept in a safe place in the custody of the [Chief Officer \(Corporate & Customer Resources, Scrutiny and Ethical Standards\)](#). A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Proper Officer should be sealed. The affixing of the Common Seal will be attested by the Proper Officer or some other person authorised by him/her.

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# Article 15 – Suspension, Interpretation and Publication of the Constitution

## 15.1 Suspension of the Constitution

- (a) **Limit to suspension.** The Articles of this Constitution may not be suspended, unless permitted by law or in accordance with this Article.
- (b) **Procedure to suspend.** A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution set out in Article 1.
- (c) **Rules capable of suspension.** The following Rules may be suspended in accordance with Article 16.01:

Council Procedure rules except those exemptions specified in Rule 24.1.

## 15.2 Interpretation

The ruling of the Mayor as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution contained in Article 1 and to any legal or procedural advice given by the professional Officers.

## 15.3 Publication

The Monitoring Officer will have available a copy of this Constitution for any member on request and will ensure that copies are available for inspection at Council offices and on the Council's website.

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# Article 16 – Review and Revision of the Constitution

## 16.1 Duty to monitor and review the constitution

The Monitoring Officer will monitor and review the operation of the Constitution annually to ensure that the aims and principles of the Constitution are given full effect.

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## 16.2 Changes to the Constitution

Changes to the constitution will only be approved at the full Council by a two thirds majority of those members present on a report of the Monitoring Officer or of a working group of Councillors appointed for the purpose.

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(b) . **Change from the Leader and Executive form of executive to any other form of constitution.** The Council must take reasonable steps to consult with local electors and other interested persons in the area when drawing up proposals.¶

# PART 3

## Responsibility for Functions

### INTRODUCTION

The Local Government Act 2000 and associated Regulations require that the majority of Council functions are discharged by its Executive. The relevant decisions may be taken by the Executive as a whole, the Leader or another individual Executive member. Executive functions may also be delegated to officers of the Council.

Where legal action is proposed regarding the issuing of licenses consents approvals permissions, registrations and consequent contraventions. The Chief Executive, Deputy Chief Executive (Corporate Direction), Deputy Chief Executive (Community Direction) or Chief Officer (after consultation with the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) must advise the elected member responsible and may then make the decision to proceed. Legal actions include the issue and prosecution of appropriate remedies and penalties including all civil and criminal court proceedings, formal cautions and warnings, default action and costs recovery.

Any powers of entry relating to any legislation are delegated to any officers authorised to administer that legislation. Chief Officers may ~~authorise applications for warrants.~~

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Where functions are delegated by Council or Executive to the Chief Executive, Deputy Chief Executive (Corporate Direction), Deputy Chief Executive (Community Direction) or Chief Officers, that chief officer may further delegate to a relevant officer in writing. The exercise of delegated powers is at the discretion of the relevant officer, who may refer any matter which he/she has authority to determine to the relevant Committee or Executive or Executive Member.

Decision making is the responsibility of the body in Column 2 in the tables below, unless the function is further delegated in Column 3. Delegation to a Head of Service also infers the same delegation to the Chief Executive/Head of Paid Service or Deputy Chief Executive (Corporate Direction), Deputy Chief Executive (Community Direction) or Director (unless specified otherwise). Council reserves the right to additionally delegate a specific decision by resolution.

### 1. LOCAL CHOICE FUNCTIONS - ONWARD DELEGATION

Function	Decision Making Body and Membership	Delegation of Functions
1. Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.	Council	<ul style="list-style-type: none"> <li>Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee).</li> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>
2. Functions under a Local Act other than a function specified or referred to in Regulation 2 of Schedule 1 Leicestershire Act		

Deleted: 1. Corporate Issues¶ ... [12]

Deleted: <#>Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.¶

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Function	Decision Making Body and Membership	Delegation of Functions
<b>1985.</b>		Deleted: 1. Corporate Issues¶ [13]
2.1 Section 4 relating to interference of property on land and open space.	Executive	<ul style="list-style-type: none"> <li>Relevant Corporate Operations Board Member.</li> </ul> Deleted: 3
2.2 Section 5 relating to apparatus in land which is not a street.	Executive	<ul style="list-style-type: none"> <li>Relevant Corporate Operations Board Member.</li> </ul> Deleted: 3
2.3 Section 6 relating to amenity areas.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> </ul> Deleted: 3
2.4 Sections 7 & 8 - Prohibition and removal of vehicles.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Sec 8 – Chief Officer (Business Contract and Streetscene Services).</li> </ul> Deleted: 3
2.5 Section 13 - Plans of new streets.	Council	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> </ul> Deleted: 3
2.6 Section 18 relating to control of pedal cycles.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> </ul> Deleted: 3
2.7 Section 19 - Street numbers.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> </ul> Deleted: 3
2.8 Section 20 - Contribution to cost of private street works.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> </ul> Deleted: 3
2.9 Section 21 - Safety of stands	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> </ul> Deleted: 3
2.10 Section 22 - Closure of unsanitary food premises.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> </ul> Deleted: 3
2.11 Section 23 - Hairdressers and Barbers and any Byelaws under Section 77 of the Public Health Act 1961.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> </ul> Deleted: 3
2.12 Sections 24, 25 & 26 - Control of rats, mice and insects.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> <li>Chief Officer (Environmental Health)</li> </ul> Deleted: 3

Function	Decision Making Body and Membership	Delegation of Functions
2.13 Section 27 relating to dust from buildings.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 1. Corporate Issues¶ [14] Deleted: 3</p>
2.14 Section 28 - Clean air	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.15 Section 29 - Trees impeding light.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.16 Section 30 - Power to require separate drainage system.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.17 Sections 31, 32 and 33 regarding drainage systems.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Development Services &amp; Policy Manager.</li> </ul> <p>Deleted: 3</p>
2.18 Section 34 - Examination of flues.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.19 Section 35 - Urgent repairs to services.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.20 Section 36 - Repair of walls etc.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Chief Officer (Environmental Health).</li> </ul> <p>Deleted: 3</p>
2.21 Sections 37, 38, 39 - Refuse containers.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Environmental Health Manager (Commercial).</li> </ul> <p>Deleted: 3</p>
2.22 Section 40 - Prohibition	Executive	<ul style="list-style-type: none"> <li>Chief Officer (Business, Contract</li> </ul> <p>Deleted: 3</p>

Function	Decision Making Body and Membership	Delegation of Functions
of parking.		and Streetscene Services). Deleted: 1. Corporate Issues¶ [15]
2.23 Section 41 - Defacing of streets.	Executive	• Deputy Chief Executive (Community Direction). Deleted: 3
2.24 Sections 42 & 43 - Control of hawkers and occasional sales.	Council	• Deputy Chief Executive (Community Direction). • Development Services & Policy Manager. Deleted: 3
2.25 Section 44 - Pedestrian ways.	Council	• Deputy Chief Executive (Community Direction). • Development Services & Policy Manager. Deleted: 3
2.26 Section 49 - Parking places.	Executive	• Deputy Chief Executive (Community Direction). • Development Services & Policy Manager. Deleted: 3
2.27 Section 50 - Access for fire brigade.	Executive	• Deputy Chief Executive (Community Direction). • Development Services & Policy Manager. Deleted: 3
2.28 Section 51 - Temporary structures.	Executive	• Deputy Chief Executive (Community Direction). • Development Services & Policy Manager. Deleted: 3
2.29 Sections 52, 53, 54, 55 and Fire Precautions.	Executive	• Deputy Chief Executive (Community Direction). Deleted: 3
2.30 Section 56 - Dangerous heaps.	Executive	• Chief Officer (Environmental Health). Deleted: 3
2.31 Sections 57, 58, 59, 60, 61 & 62 relating to recreational facilities.	Executive	• Deputy Chief Executive (Community Direction). • Executive member (other provision). • NB: Making of byelaws is reserved to Council. Deleted: 3
2.32 Sections 83, 84, 85, 86 - Information and bulletins.	Executive	• Head of Paid Service Deleted: 3
2.33 Section 87 - Training arrangements.	Council	• Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) • Personnel Manager. Deleted: 3
2.34 Sections 88 & 89 - Recording of documents and microfilming.	Executive	• Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) Deleted: 3

Function	Decision Making Body and Membership	Delegation of Functions
2.35 Section 90 - Armorial bearings.	Council	<ul style="list-style-type: none"> <li>Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>
2.36 Section 92 - District heating.	Executive	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction).</li> <li>Housing Operations Manager.</li> </ul>
<b>3. The appointment of any individual:</b>		
3.1 To any office other than one of employment.	Council	None.
3.2 To any body other than to the authority or a joint committee of two or more authorities.		None.
3.3 Appointment of an Executive Member to an outside body in respect of an Executive function.	Executive	Leader of Council.
3.4 Appointment of a non-Executive member to an outside body in respect of an Executive function.	Executive	Leader of Council.
<b>4. Obtaining Information</b>		
4.1 The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to interests in land.	Council	<ul style="list-style-type: none"> <li>Authority delegated to Deputy Chief Executive (Community Direction).</li> <li>Development Services &amp; Policy Manager.</li> </ul>
4.2 To obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	Council	<ul style="list-style-type: none"> <li>Authority delegated to Deputy Chief Executive (Community Direction).</li> <li>Relevant Service Managers.</li> </ul>
<b>5. Environmental Health</b>		
5.1 Any function relating to contaminated land (Part IIA of Environmental Protection Act 1990 and	Council	<ul style="list-style-type: none"> <li>Delegated authority to Deputy Chief Executive (Community Direction) to undertake the identification of Contaminated Land 78(b)</li> </ul>

Function	Decision Making Body and Membership	Delegation of Functions
subordinate legislation.		Environment Act 1995. The Regulatory Committee authorises Registration of Special Sites (Section 78(c)) and Remediation of Contaminated Sites (Section 78(e)). <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 1. Corporate Issues¶ [18]</span>
5.2 The discharge of any function relating to the control of pollution or the management of air quality (Pollution, Prevention and Control Act 1999, Part 4 of Environment Act 1995, Part 1 of Environmental Protection Act 1990, Clean Air Act 1993) and Regulations made thereunder.	Council	<ul style="list-style-type: none"> <li>• Delegated authority to Deputy Chief Executive (Community Direction) to approve, or refuse, the approval of a new furnace (Section 4) or a chimney height (Section 14) of the Clean Air Act 1993. <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 6</span></li> <li>• Chief Officer (Environmental Health).</li> <li>• Delegated authority to Deputy Chief Executive (Community Direction) <u>or Chief Officer (Environmental Health)</u> to approve or to reject applications, or to vary permits (Environmental Permitting (England &amp; Wales) Regulations 2010). Refusal to grant permit to the Regulatory Committee. <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 07</span></li> <li>• Delegated authority to Inspectors authorised under Section 82 of the Environment Act 1995 to review and assess air quality. To the Deputy Chief Executive (Community Direction) to undertake duties under Section 84 in relation to an Air Quality Management Area. The Regulatory Committee for designated Air Quality Management Areas under Section 83.</li> </ul>
5.3 The service of an abatement notice in respect of a statutory nuisance (Section 80, Environmental Protection Act 1990)	Council	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction). <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 6</span></li> <li>• Environmental Health Manager (Commercial).</li> <li>• Chief Officer (Environmental Health)</li> <li>• Authorised officers of the Council via Deputy Chief Executive (Community Direction).</li> </ul>
5.4 The passing of a resolution that Section 2 of the Noise and Statutory Nuisance Act 1993 (Section 8) should apply to the Authority's area.	Council	<ul style="list-style-type: none"> <li>• Licensing Committee. <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 6</span></li> <li>• Regulatory Committee.</li> </ul>
5.5 The inspection of the Authority's area to detect any statutory nuisance (Section 79)	Executive	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction). <span style="float: right; border: 1px solid black; padding: 2px;">Deleted: 6</span></li> <li>• Environmental Health Manager</li> </ul>

Function	Decision Making Body and Membership	Delegation of Functions
Environmental Protection Act 1990).		(Commercial). • Chief Officer (Environmental Health)
5.6 The investigation of any complaint as to the existence of a statutory nuisance.	Executive	• Authorised officers of the Council via the Deputy Chief Executive (Community Direction).

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## 2. RESPONSIBILITY FOR COUNCIL FUNCTIONS - Further delegations

Function of Council	Delegation of Functions
1. Adoption and amendment of the Borough Community Plan.	<ul style="list-style-type: none"> <li>To the Local Strategic Partnership to approve</li> <li>Council to endorse and adopt Community Plan.</li> </ul>
2. Adoption and amendment of the Community Safety Strategy (Crime and Disorder Reduction Strategy).	<ul style="list-style-type: none"> <li>To Borough Community Safety Partnership and Local Strategic Partnership.</li> <li>Council to endorse and adopt the Community Safety Strategy.</li> </ul>
3. Adoption of Borough Local Plan (Section 26 of the Town and Country Planning Act 1990 as amended), or various deposit drafts and emerging local development framework.	<ul style="list-style-type: none"> <li>None - for new policy documents which will first be presented to Senior Members Group &amp; Executive</li> <li>None - for amendments to the application of LDF policy documents which will first be considered by Planning Committee</li> <li>None - for responses to consultation documents which will be produced in liaison with a cross-party working group before presentation to the Senior Members' Group with referral to <u>Planning Committee</u>.</li> <li>Executive - for evidence bases for LDF policy documents following presentation to Senior Members' Group. The Executive and any one of the Group Leaders or Labour representative may require referral to Council.</li> </ul>
5. The Housing Strategy (and any sub strategies)	
6. Approval, adoption and amendment of the corporate and personnel policies.	<u>Ethical Governance &amp; Personnel Committee</u>
7. Adopting and changing the Constitution (requires two thirds of Members present to be in favour).	None
8. Approving or adopting the policy framework and budgets, including approval of fees and charges for non-Executive functions.	None
9. (Subject to the urgency procedure	None

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Deleted: 7. Approval and amendment of:¶  
¶  
<#>Economic Development Strategy¶  
<#>Workforce Development People Management Strategy¶  
<#>Cultural Services Strategy¶  
<#>Green Space Strategy¶  
<#>Licensing and Gam[... [21]

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NB: Action Plans in relation to Strategies referred to in 5, 6, 7, 8 above to Chief Executive, Deputy Chief Executive or relevant Head of Service.

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Function of Council	Delegation of Functions	
<p>contained in the Access to Information Procedure Rules in Part 4 of this Constitution). Making decisions about any matter in the discharge of an Executive function which is covered by the policy framework or the budget where the decision maker is minded to make it in a manner which would be contrary to the policy framework or contrary to/or not wholly in accordance with the budget.</p>		<p>Deleted: 1. Adoption and amendment of the Council's (Best Value) Performance Plan.¶ ... [22]</p>
<p>10. Appointing the Leader.</p>	None	<p>Deleted: 12</p>
<p>11. Agreeing and/or amending the Terms of Reference for Committees and making appointments to them.</p>	None	<p>Deleted: 13</p> <p>Formatted: No bullets or numbering</p>
<p>12. Adopting an allowance scheme for Members.</p>	<ul style="list-style-type: none"> <li>Review and recommendation from an independent panel appointed by the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: None other than Scrutiny Commission and Finance, Audit &amp; Performance Committee may appoint task and finish Panels.</p>
<p>13. Polling place changes at short notice</p>	<ul style="list-style-type: none"> <li>Group Leaders in Consultation with the relevant ward Member</li> </ul>	<p>Deleted: , sub-committees, panels and Scrutiny Commission, deciding on their composition</p>
<p>14. Changing the name of the area, conferring the title of Honorary Alderman or freedom of the Borough (Sections 74, 249 of Local Government Act 1972).</p>	None	<p>Deleted: 14</p> <p>Deleted: Annual update in line with any adopted criteria delegated to Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)¶</p>
<p>15. Confirming the appointment of the Chief Executive (Head of Paid Service).</p>	<ul style="list-style-type: none"> <li>The appointment, subject to confirmation by Council, will be made by a Panel of 7 Members, which is politically balanced and may have both Executive and non-Executive members, and must include at least one Executive Member.</li> </ul>	<p>Formatted: Indent: Left: 15.95 pt</p> <p>Deleted: 15</p> <p>Deleted: 6</p> <p>Deleted: 17</p>
<p>16. Making, amending, revoking, re-enacting or adopting Bylaws.</p>	None	<p>Deleted: 18</p>
<b>Other General Provisions</b>		
<p>17. To set the level of Council Tax and approve Council Tax base.</p>	None. Approval of Council Tax Base delegated to S 151 Officer (SECTION 84, LOCAL GOVERNMENT ACT 2003).	<p>Deleted: 19</p>
<p>18. Power to make Contract Procedure Rules Section 135, Local Government Act 1972,</p>	None	<p>Deleted: 20</p>
<p>19. Power to make Procedure Rules (Section 106 and para 42 of Schedule 12, Local Government Act 1972).</p>	None	<p>Deleted: 21</p>
<p>20. Adopting or amending codes of conduct and associated protocols.</p>	None	<p>Deleted: 22</p>
<p>21. Approving any Housing Land Transfer</p>	None	<p>Deleted: 23</p>

Function of Council	Delegation of Functions	
(Disposal of Council Housing stock of 500 properties or more).		Deleted: 1. Adoption and amendment of the Council's (Best Value) Performance Plan.¶ [23]
22. Matters relating to electoral boundaries, number of councillors and local government restructuring.	None	Deleted: 24
23. Appointment to outside bodies.	None	Deleted: 25
24. Power to make payments or provide other benefits in cases of maladministration.	<ul style="list-style-type: none"> <li>Delegated to Monitoring Officer up to £3000 and Deputy Monitoring Officer in his/her absence.</li> </ul>	Deleted: 26
25. To elect the Mayor and Deputy Mayor.	None	Deleted: 27
26. Power to promote or oppose local or personal bills (Section 239 Local Government Act 1972).	None	Deleted: 28
27. To recommend the making of Compulsory Purchase Orders and Bylaws.	None	Deleted: 29
<b>Personnel Issues</b>		
28. To direct which post holders will be designated Head of Paid Service, Finance Officer (Section 151) and Monitoring Officer.	None	Deleted: 30
29. Approval of the corporate management structure of the Council and overall appointment of staff (Section 112 Local Government Act 1972).	<ul style="list-style-type: none"> <li>Structure below Chief Officer level is an Executive function, but must be in consultation with the <a href="#">Ethical Governance &amp; Personnel Committee</a>.</li> </ul>	Deleted: 31 Deleted: Personnel Committee
30. Approval of a Panel to appoint Deputy Chief Executive and Chief Officer.	<ul style="list-style-type: none"> <li>The appointment will be made by a Panel of 7 Council Members which will be politically balanced and will have both Executive (at least 1) and non-Executive members.</li> </ul>	Deleted: 32
31. Approval of the job descriptions/person specifications for Chief Executive, Deputy Chief Executive and Chief Officer.	None	Deleted: 33
32. Disciplinary matters under the Council's disciplinary procedure - Chief Executive, Deputy Chief Executive, Chief Officer and Statutory Officers only.	<ul style="list-style-type: none"> <li>Members Panel of 7 Members in respect of all Chief Officers and Statutory Officers.</li> </ul>	Deleted: 34
33. Condition of Service for Chief Officers	<ul style="list-style-type: none"> <li><a href="#">Ethical Governance &amp; Personnel Committee</a></li> </ul>	Deleted: 35
34. Approving supplementary planning guidance and informal policy statements following recommendation from Planning and Regulatory Committee.	None	Deleted: Personnel Committee Deleted: 36



Function of Council	Delegation of Functions	
<p><a href="#">35.</a> Making, where appropriate, Simplified Planning Zones (Section 82 of the Town and Country Planning Act 1990) following recommendation from Planning and Regulatory Committee.</p>	None	<p>Deleted: 1. Adoption and amendment of the Council's (Best Value) Performance Plan.¶ [24]</p> <p>Deleted: 37</p>
<p><a href="#">36.</a> Approval for the purposes of public consultation in accordance with Regulations 10 or 22 of the Town and Country Planning (Development Plans) (England) Regulations 1999 of draft proposals associated with the preparation of, alterations to, or replacement of, a Development Plan.</p>	None	Deleted: 38
<p><a href="#">37.</a> Service of notices related to preparation of a Development Plan.</p>	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 39
<p><b>4. Youth Service</b></p> <p>4.1 Coordinate the management of the Council's Youth Development role and delivery of relevant sections of the Community Plan and Strategy.</p> <p>4.2 Co-ordinate the involvement of young people in decision-making, including support to the Youth Council.</p> <p>4.3 Support to young people in their communities.</p>	<ul style="list-style-type: none"> <li>To Executive Member for strategic overview.</li> <li>Deputy Chief Executive (Community Direction).</li> <li>Deputy Chief Executive (Community Direction).</li> </ul>	
<p><b>5. Tourism</b></p> <p>5.1 With third parties, undertake a programme of general tourism destination marketing to support the local tourism sector and to work with them to promote product quality and co-ordinate marketing.</p> <p>5.2 Provide access to information to incoming visitors and local citizens.</p> <p>5.3 To encourage businesses to carry out improvements to their property.</p> <p>5.4 To liaise with local Destination Management Organisation.</p>	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member Operational management to Deputy Chief Executive (Community Direction).</li> <li>Deputy Chief Executive (Community Direction).</li> <li>Strategy and Regeneration Manager.</li> <li>Deputy Chief Executive (Community Direction).</li> <li>Strategy and Regeneration Manager.</li> <li>Executive Member.</li> </ul>	

**GENERAL POWERS OF ALL COMMITTEES**

**General Powers of All Committees**

**Delegation of Power**

Each Committee shall have the following general powers within its own responsibilities and Terms of Reference:-

All Committees and Sub Committees of the Council:-

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1. Subject to Financial and Contract Procedure Rules, to authorise, order and manage contracts for goods and services within approved budgets.
2. To institute legal proceedings including proceedings for an injunction, to authorise the carrying out of works in default of a notice, and to lodge an appeal against any Court decision.
3. To manage the services within approved budgets according to Finance Procedure Rules and to approve fees and charges.
4. Each Committee/Sub Committee can meet more or less frequently than is laid down in the Council programme.
5. To monitor service objectives and targets, programmes and strategies for the services within the Terms of Reference of each Committee and in conjunction with the Executive.

- Once the Committee/Sub Committee has authorised expenditure on a specific contract, either by inclusion as an ongoing item in the Council's annual budget or by a separate minute, the Chief Executive, Deputy Chief Executive/Chief Officer, as appropriate, has the authority to let the Contract. They may, at their discretion, refer the evaluation or choice of particular contract back to the Committee/Sub Committee.
- Chief Executive, Deputy Chief Executive/ relevant Chief Officer after consultation with Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) (relevant elected member to be advised).
- Management of services is delegated to Deputy Chief Executive/Chief Officer in accordance with procedures and quality systems and the formal delegation scheme.
- *Section Managers.*
- Strategic Overview is delegated to individual Executive Member.
- Delegated to Chairman.
- Chief Executive, Deputy Chief Executive/Chief Officer to approve Business Plan objectives and targets and monitor. Subject to exception reporting to committee.

**APPEALS PANEL**

At least 3 Members of the Council appointed from a standing list of 12 appointees by Council. The Panel will not include any Members who were involved in the making of the original decision.

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**Function of the Appeals Panel**

**Delegation of Power**

To consider any non statutory or other appeal against a decision taken by any Standing Committee of the Council or the Executive, or an Officer. This does not apply to appeals against the receipt of a warning or dismissal of an employee for misconduct or capability below the Corporate Operations Board level, unless it is a dismissal for gross misconduct.

- To confirm, reverse or amend the decision by the Standing Committees or Officers, or to recommend action to the Executive.

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## ETHICAL GOVERNANCE & PERSONNEL COMMITTEE

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### Function of the Ethical Governance & Personnel Committee

### Delegation of Function

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1. To inform the Executive on the officer structure of each Service Area of the Council below Chief Officer level.

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2. To exercise the Council's functions of appointing and taking disciplinary action and dismissal against the Chief Executive, Deputy Chief Executive, Chief Officer.

- None.  
NB: The appointment, taking disciplinary action or dismissal of the Chief Executive requires ratification by Council.

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3. To authorise the suspension of chief officers and deputies (including Chief Officer, Head of Paid Service, the Monitoring Officer and Chief Executive).

None.

4. Appoint an independent person for the purposes of investigation of alleged misconduct by the Head of Paid Service, Monitoring Officer or Chief Executive Officer.

None.

5. To appoint staff or dismiss staff, other than Chief Officers (Chief Executive, Deputy Chief Executive and Chief Officer) in accordance with the following:-

➤ Other officers (permanent and temporary contracts). (As defined in Human Resources policies).

- Chief Executive, Deputy Chief Executives, and Chief Officers. Decision on whether to fill vacant positions is delegated to the Chief Executive or his nominee.

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➤ Casual employees and employees working under a direct service organisation.

- Appointment and dismissal delegated to Chief Executive, Deputy Chief Executives, or appropriate Chief Officer.

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6. Disciplinary matters under the Council's Disciplinary Procedure, other than Deputy Chief Executive or Chief Officer.

- Delegated to Chief Executive, Deputy Chief Executive or, at his/her discretion, to the appropriate Chief Officer or Manager in accordance with the Disciplinary, and Grievance Policy.

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Function of the <u>Ethical Governance &amp; Personnel Committee</u>	Delegation of Function
7. Determination of individual grading issues and job evaluation and matters in relation to grievances.	<ul style="list-style-type: none"> <li>Delegated to Head of Paid Service within the agreed Job Evaluation Scheme.</li> <li>Appeals reserved to Appeals Panel.</li> </ul>
8. Issues relating to the Local Government Pension Scheme as it affects individual employees.	None
9. Administration of the Council's Early Retirement Scheme.	<ul style="list-style-type: none"> <li>Administration of retirement in cases of permanent ill health, after appropriate medical advice via Leicestershire County Council Pensions Service to Personnel Manager.</li> </ul>
10. To agree voluntary severance arrangements of the Chief Executive, chief officers and deputy chief officers (including Chief Officer) including authorising early retirements by reason of redundancy or in the interests of the efficiency of the service.	None in relation to Chief Executive. Remainder delegated to Chief Executive.
11. Absence issues under the Council's Attendance Management Guidelines as they affect individual employees.	<ul style="list-style-type: none"> <li>Delegated to Chief Executive, Deputy Chief Executive, Chief Officer as appropriate.</li> </ul>
12. To receive recommendations from the Local Joint and Safety Panel.	None
13. Using the power of Section 13(4) and 13(5) of the Local Government Act 2000, to place staff at the disposal of other local authorities for the purpose of joint arrangements or joint working for non-Executive functions.	In emergency/civil contingency to Chief Executive and S151 Officer.
14. Monitor Staffing Information Reports.	None
15. Ratifying Personnel Policies providing there is no conflict with other strategies.	None
16. Determination of redundancies as they affect individual employees.	<ul style="list-style-type: none"> <li>Determination of suitable alternative employment delegated to Chief Executive, Deputy Chief Executive/appropriate Chief Officer</li> </ul>

**PLANNING COMMITTEE**

Membership may not include the Executive Member for Planning matters.

Function of the Planning Committee	Delegation of Function
Planning and Development Control	

Function of the Planning Committee	Delegation of Function
<p>1. Power to determine planning applications (Section 70(i)(a) and (b) and Section 72 of the Town and Country Planning Act 1990), Listed Buildings Applications and Conservation Area Consents (Section 16 (1) and (2), 17, 27 (2) and 33 1 of the Planning (Listed Buildings and Conservation) Areas) Act 1990; Certificates of Existing or Proposed Lawful Use or Development (Section 191 (4) and 192 (2) of the Town and Country Planning Act 1990; Display of Advertisement (Section 220 of Town and Country Planning (Control of Advertisements) Regulations 1992.</p> <p>Development involving telecommunications, including prior notification determinations under Part 24 of the town and Country General Permitted Development Order 1995.</p>	<p>The determination of all planning applications, <a href="#">prior notification determinations</a>, listed building applications, Conservation Area Consent applications, Certificates of Lawful Existing or Proposed Use or Development, applications to fell or carry out work on trees protected by Tree Preservation Orders and Notices submitted in relation to trees in Conservation Areas, and Advertisement Consents is delegated to the Deputy Chief Executive (Community Direction), the Head of Planning, the Development Control Manager or Principal Planning Officers (Development Control) with the exception of the following types of application which shall be determined by the Planning Committee.</p> <ol style="list-style-type: none"> <li>1. 10 or more dwellings or a proposed site area of 0.5 ha or more.</li> <li>2. All major office or light industry uses where the proposed floor space is greater than 500m<sup>2</sup> or where the proposed site area is 0.5 ha or more.</li> <li>3. All general and special industrial uses and warehouses where the proposed floor space is greater than 500 m<sup>2</sup> or more or where the proposed site area is 0.5 ha or more.</li> <li>4. All retailing, distribution, servicing and catering uses where the proposed floor space is greater than 500 m<sup>2</sup> or where the proposed site area is 0.5 ha or more.</li> <li>5. All other developments not included in the above where the proposed floor space is greater than 500 m<sup>2</sup>, or where the proposed site area is 0.5 ha or more.</li> <li>6. Any application for agricultural workers' dwelling where an agricultural appraisal is required.</li> <li>7. All new developments for recreation and leisure uses (Class D) involving sports centres; public open space; cinemas; concert halls; bingo and dance halls; swimming pools and gymnasia which have a proposed floor area of more than 500m<sup>2</sup> or the proposed area is 0.5ha or more.</li> <li>8. New development for Institutional uses (Classes C2 and D1) involving hospitals; colleges nurseries; art galleries museums; exhibitions or public halls and</li> </ol>

Function of the Planning Committee	Delegation of Function
	<p>churches which have a proposed floor area of more than 500m<sup>2</sup> or the proposed area is 0.5ha or more.</p> <p>9. All applications which raise local or wider controversial issues.</p> <p>10. All applications requiring environmental impact assessment.</p> <p>11. All applications by members of Council or staff.</p> <p><u>12. Any application that the Head of Planning or Development Control Manager considers to be necessary to be determined by Members.</u></p>

### Exceptions to the above Scheme of Delegation

An application which normally would be delegated for officer decision will be referred to Planning Committee if any of the following applies:

- A. A request for referral to Planning Committee has been received in writing by the Deputy Chief Executive (Community Direction), Head of Planning or Development Control Manager from a Member of the Borough Council within the specified period of three weeks from the date of publication of the weekly list. The request must be based on sound planning reasons, acceptance of which is at the discretion of the Deputy Chief Executive (Community Direction) or Head of Planning and the Chair of Planning Committee.
- B. The application is submitted by, or on behalf of, the Council for its own development, except minor development to which no objection has been received.
- C. Objections have been received from more than five addresses (which includes any Parish Council objection) within the specified period of three weeks from the date of publication of the weekly list, unless the objections have been resolved by negotiation or may be resolved through the imposition of planning conditions.

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The exceptions to this are the following application types:

- All Tree Preservation Order applications (including those within a Conservation Area)
- Certificates of Lawful Use (Existing and Proposed)
- Prior Notification of Proposed Development by Telecommunications Code System Operators
- General Development Order Permitted Development Prior Notification Applications
- County Matters
- Neighbouring Authority Consultations
- Non-Material Amendments

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### Parish and Town Council Representations

Parish and Town Council comments will be carefully evaluated and taken into account in the determination of all applications.

Such representations, however, will only result in reference of an application to the Planning Committee for determination if all the following conditions apply:-

1. The observations are received within the specified period of three weeks from the date of publication of the weekly list; and
2. The observations refer to relevant material planning considerations; and
3. The observations are substantial in nature and raise novel or important issues which, in the opinion of the Deputy Chief Executive (Community Direction) or the Head of Planning, should properly be brought to the attention of the Planning Committee; and
4. The observations, if accepted, would result in a negative form of determination contrary to the opinion of the Deputy Chief Executive (Community Direction), Head of Planning, Development Control Manager or Principal Planning Officer (Development Control) that the application should be approved; and
5. The observations do not relate to householder applications (which, subject to A and C above, will be dealt with under delegated powers).

Function of the Planning Committee	Delegation of Function	Formatted Table
1. The rejection of planning and other applications containing insufficient information.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	
2. Deciding whether or not to accept a planning application in respect of land and development for which a similar planning application has been refused on appeal within the previous two years.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
3. Determining whether an application for prior approval of details of agricultural or forestry buildings is required and the determination of such applications.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
4. Enforcement of the Advertisement Regulations.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶ (Clean Neigh. Act)</p>
5. Determining whether an application for	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community</li> </ul>	<p>Formatted: Indent: Left: 0 pt</p>

Function of the Planning Committee	Delegation of Function	Formatted Table
prior approval is required for details of demolition and the determination of such applications.	<ul style="list-style-type: none"> <li>Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	
6. Authorising the service of Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices, or Stop Notices under Section 171, 187(a), 183(1) of the Town and Country Planning act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> <li>• Chief Executive</li> <li>• Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> <li>• Chief Officer (Environmental Health)</li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> <li>Deleted: ¶</li> <li>Formatted: Bullets and Numbering</li> <li>Deleted: ¶</li> </ul>
7. Authorising the issue of Hazardous Substances Contravention Notices.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> <li>Deleted: ¶</li> </ul>
8. Responding to consultations from adjoining authorities/external bodies.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> <li>• (On Strategic issues - Strategy &amp; Regeneration Manager in consultation with Executive Member)</li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> <li>Deleted: ¶</li> <li>Formatted: Bullets and Numbering</li> <li>Deleted: i</li> <li>Deleted: ¶</li> </ul>
9. Making observations on applications made by the County Court.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> <li>Deleted: ¶</li> </ul>
10. Determining requests for the discharge of conditions in respect of planning permissions and other related consents issued by the Authority.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> <li>• <u>Area Planning Officer</u></li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> </ul>
11. Determining requests for amendment to planning and other related consents previously granted.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	<ul style="list-style-type: none"> <li>Formatted: Bullets and Numbering</li> </ul>



Function of the Planning Committee	Delegation of Function	Formatted Table
12. Power to determine applications to develop land without compliance with conditions previously attached (Section 73 Town and Country Planning Act 1990).	<p><u>Control</u></p> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Deleted: ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
13. Power to grant planning permission for developments carried out (Section 73(A)) Town and Country Planning Act, other than those which would normally be reserved for Council.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
14. The provision of planning evidence for appeals against decisions or actions of the Local Planning Authority.	<ul style="list-style-type: none"> <li>• To Deputy Chief Executive (Community Direction) except in cases where a refusal of planning permission is made against officer recommendations. [In these latter cases, Members will be required to present evidence in person at Appeals].</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
15. Duties relating to making of determinations of planning applications (Sections 69 and 76 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22, 25 and 26 of the Town and Country Planning (General Development Procedures) Order 1995 and directions made under, including ensuring appropriate publicity for the receipt of planning applications (Article 8).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Deleted: ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
16. Power to determine applications for planning permission made by a local authority, alone or jointly with another person (Section 316 of the Town and Country Planning Act 1990, Town and Country Planning General Regulations 1992.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
17. Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights (Parts 6, 7, 11, 17, 19, 20, 21 to 24, 26, 30 and 31 of Schedule 2 of Town and Country Planning (General Permitted Development) Order 1995).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>

Function of the Planning Committee	Delegation of Function	Formatted Table
18. Power to enter into agreements regulating development or use of land (Section 106 of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p>
19. Power to serve a Completion Notice (Section 94(2) of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Deleted: 18.1 Considering the need for planning obligations where planning permission is to be granted, other than for non-delegated applications and the determination of applications for the modification and discharge of such agreements (Section 106).¶</p> <p>Formatted: Indent: Left: 0.6 pt</p>
20. Power to authorise entry onto land (Section 196A of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
21. Power to require the discontinuation of a use of land (Section 102 of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
22. Power to authorise and issue an enforcement notice (Section 172 of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
23. Power to apply for an injunction restraining a breach of Planning Control (Section 187 of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction) following consultation with the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Formatted: Indent: Left: 0.6 pt</p>
24. Power to determine applications for hazardous substances consent and related powers (Section 9(i) and 10 of Planning (Hazardous Substances) Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
25. Power to require proper maintenance of land (Section 215(i) Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p>

Function of the Planning Committee	Delegation of Function	Formatted Table
26. Duties relating to applications for listed building consent and conservation area consent (Sections 13(1) and 14(1) and 4 of Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990 and Regulations 3 to 6 and 13 of Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) Regulations 1990 and paras 8, 15 and 22 of D of E Circular 14/97 and 01/2001).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Deleted: ¶</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
27. Power to serve a Building Preservation Notice and related powers (Section 3(1) of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
28. Power to authorise enforcement action in relation to unauthorised works to a listed building or in relation to the demolition of an unlisted building in conservation area (Section 38 of Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>
29. Power to seek to compulsorily acquire a listed building in need of repair and to serve a repairs notice (Sections 47 and 48 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> </ul>	<p>Deleted: Principal Planning Officers</p>
30. Power to apply for an injunction in relation to a listed building (Section 49a of Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction) following consultation with the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	
31. Power to execute urgent works (Section 54 of the Planning (Listed Buildings and Buildings in Conservation Areas) Act 1990.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• <u>Development Control Manager</u></li> <li>• Building Control Manager</li> </ul>	<p>Formatted: Bullets and Numbering</p>
32. Determining under Section 64 of the Town and Country Planning Act 1990 whether or not a planning application is required.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p>

Function of the Planning Committee	Delegation of Function	Formatted Table
<p>33. Formulating and agreeing conditions and terms of Planning Agreement in respect of planning applications subject to appeal inquiries/hearings.</p> <p><b>Powers relating to the preservation of trees under Section 197-214 of the Town and Country Planning Act 1990 and Trees Regulations 1999.</b></p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted:</p> <p>Formatted: Indent: Left: 0.6 pt</p> <p>Deleted: (latter 3 for formulating and agreeing conditions only)¶ NB: Planning agreements reserved to Head of Service.¶</p>
<p>34. The preparation and service of Tree Preservation Orders (Section 198 of the Town and Country Planning Act 1990) (but not confirmation of)</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
<p>35. The authorisation of enforcement action in respect of a contravention of a Tree Preservation Order (Sections 206 and 207 of the Town and Country Planning Act 1990).</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul> <p>following consultation with the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</p>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
<p>36. <u>Making, confirmation, amendment, withdrawal and/or revocation</u> of Tree Preservations Orders (Town and Country Planning (Trees) Regulations 1999).</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul> <p><u>In consultation with Legal Services</u></p>	<p>Deleted: C</p> <p>Formatted: Bullets and Numbering</p> <p>Formatted: Indent: Left: 0.6 pt</p> <p>Deleted: ¶</p>
<p>37. The authorisation of an application to the appropriate Court for an actual or apprehended breach of the provision of a Tree Preservation Order to be restrained by Injunction (Section 214A of the Town and Country Planning Act 1990, as amended).</p> <p><b>Powers relating to the protection of important hedgerows under the Hedgerows Regulations 1997.</b></p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• <u>Principal Planning Officers (Development Control)</u></li> </ul> <p>following consultation with the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</p>	<p>Formatted: Bullets and Numbering</p> <p>Deleted: ¶</p>
<p>38. Deciding whether or not to issue Hedgerow Retention Notices in respect of Hedgerow Removal Notices received under the Hedgerow</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> </ul>	

Function of the Planning Committee	Delegation of Function	Formatted Table
<p>Regulations 1997 and the issuing of such notices as appropriate.</p> <p>39. The authorisation of enforcement action in respect of a contravention of the Hedgerows Regulations 1997.</p>	<p>Principal Planning Officers (<a href="#">Development Control</a>)</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Development Control Manager</li> <li>Principal Planning Officers (<a href="#">Development Control</a>)</li> </ul>	
<p>40. <a href="#">Determination of complaints under the provisions of the Higher Hedges Regulations 2005 specifying remedial action required to resolve complaints received under the Higher Hedges Regulations 2005, specifying remedial action required to resolve the complaints in accordance with the national guidance and initiating enforcement action if necessary; and to authorise officers to enter land in order to deal with complaints and enquiries relating to high hedges as defined by paragraph 8 of the Anti-social Behaviour Act 2003.</a></p>	<ul style="list-style-type: none"> <li><a href="#">Chief Executive and Deputy Chief Executive (Community Direction)</a></li> <li><a href="#">Head of Planning</a></li> <li><a href="#">Development Control Manager</a></li> <li><a href="#">Principal Planning Officers (Development Control)</a></li> </ul>	Formatted: Bullets and Numbering
<p>40. Making or requesting the Secretary of State to make a direction withdrawing permitted development rights (Article 4 of Town and Country Planning Permitted Development Order 1995).</p>	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Development Control Manager</li> <li><a href="#">Principal Planning Officers (Development Control)</a></li> </ul>	Formatted Table
<p>41. Making an Order requiring the discontinuance of use or alteration or removal of buildings or works (Section 102 of the Town and Country Planning Act 1990).</p>	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Development Control Manager</li> <li><a href="#">Principal Planning Officers (Development Control)</a></li> </ul>	Formatted: Bullets and Numbering
<p>42. Deciding whether or not development which ought to have had planning permission but has been carried out without planning permission should be the subject of enforcement action (Section 172 of the Town and Country Planning Act 1990).</p>	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Development Control Manager</li> <li><a href="#">Principal Planning Officers (Development Control)</a></li> </ul>	Formatted: Indent: Left: 0.6 pt
<p>43. Consideration of pre submission stages of the LDS.</p>	None	Formatted: Indent: Left: 0.6 pt
<p>44. Power to make Orders under S 257 and 258 of the Town and Country Planning Act 1990 to divert and extinguish footpaths.</p>	<p>Deputy Chief Executive (Community Direction)</p> <ul style="list-style-type: none"> <li>Head of Planning</li> <li>Development Control Manager</li> <li><a href="#">Principal Planning Officers (Development Control)</a></li> </ul>	Formatted: Bullets and Numbering
		<p>Deleted: ¶</p> <p>Deleted: (subject to advising members in advance of decision by inclusion on weekly planning list).</p>
		Formatted: Bullets and Numbering

Function of the Planning Committee	Delegation of Function	Formatted Table
	<u>Control)</u>	Deleted: ¶
	<b>Onward Limits of Delegation</b>	Deleted: 45. . Determination of complaints under the provisions of the Higher Hedges Regulations 2005 specifying remedial action required to resolve complaints received under the Higher Hedges Regulations 2005, specifying remedial action required to resolve the complaints in accordance with the national guidance and initiating enforcement action if necessary; and to authorise officers to enter land in order to deal with complaints and enquiries relating to high hedges as defined by paragraph 8 of the Anti-social Behaviour Act 2003.¶ ... [25]
<b>1. Acquisition of Land Compensation Matters</b>		
1. Advising in respect of land or buildings proposed to be acquired either by agreement or compulsorily under the Town and Country Planning Acts and related legislation.	<ul style="list-style-type: none"> <li>• Chief Executive, on advice from Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) (all aspects).</li> </ul>	
2. To advise Council in respect of the making of Compulsory Purchase Orders to facilitate the proper planning of an area or to secure the reclamation of derelict land (Section 226 of the Town and Country Planning Act 1990 and Section 86 of the National Parks and Access to the Countryside Act 1949).		
3. Deciding whether or not to accept a Purchase or Blight Notice (Sections 137 and 150 of the Town and Country Planning Act 1990).		
4. The determination of applicants for a Certificate of Appropriate Alternative Development (Land Compensation Act 1961).		
<b>2. Other Planning Matters</b>		
1. Making observations on those applications which are “County Matters” (Schedule 1, Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> </ul>	Formatted: Bullets and Numbering
2. Deciding whether or not to revoke a planning permission (Section 97 of Town and Country Planning Act 1990).	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> <li>• Principal Planning Officers (<u>Development Control</u>)</li> <li>•</li> </ul>	Deleted: ¶
3. Determination of whether an Environmental Impact Assessment is required in respect of planning applications, falling within the scope of the Town and Country Planning	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Development Control Manager</li> </ul>	Formatted: Bullets and Numbering

		<b>Onward Limits of Delegation</b>	
	(Environmental Assessment Assessments) (England and Wales) Regulations 1999.	<ul style="list-style-type: none"> <li>Principal Planning Officers (<u>Development Control</u>)</li> </ul>	<div style="border: 1px solid purple; padding: 2px; font-size: small;">Formatted: Bullets and Numbering</div> <div style="border: 1px solid purple; padding: 2px; font-size: small;">Formatted: Indent: Left: 0.6 pt</div>
3.1	(i) Approval of new street number schemes.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	<div style="border: 1px solid purple; padding: 2px; font-size: small;">Deleted: Community</div>
	(ii) Approval of street numbering affecting existing property.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	<div style="border: 1px solid red; padding: 2px; font-size: small;">Deleted: Community</div>
3.2	Approval of naming of new highways in accordance with Public Health Act 1925, Section 17 and approved Council policy.	Deputy Chief Executive (Corporate Direction)	<div style="border: 1px solid red; padding: 2px; font-size: small;">Deleted: Community</div>
3.3	Street furniture and bus shelters.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Leisure Services Manager</li> </ul>	
3.4	Power to make Orders under s257 and 258 Town and Country Planning Act 1990 to divert and extinguish footpaths	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Development Control Manager</li> <li>Principal Planning Officers (<u>Development Control</u>)</li> </ul>	<div style="border: 1px solid purple; padding: 2px; font-size: small;">Formatted: Bullets and Numbering</div> <div style="border: 1px solid purple; padding: 2px; font-size: small;">Formatted: Indent: Left: 0.6 pt</div>

**Planning Responsibilities of the Executive**

Functions	Onward Limits of Delegation	
6. <b>Forward Planning/Development Planning</b>		
6.1 To promote the economic wellbeing of the Borough through partnership with the business and community sectors.	Chief Officer (Business Contract and Streetscene Services) Deputy Chief Executive (Community Direction) Head of Planning <u>Policy and Regeneration Manager</u>	
7. <b>Economic Development/Business Support</b>		
7.1 To recommend an Economic Development Strategy to the Council and to ensure its implementation directly or through partners.	<ul style="list-style-type: none"> <li>Strategic direction to Executive Member</li> <li>Operational to Deputy Chief Executive (Community Direction)</li> </ul>	
7.2 Work with businesses in the Borough & Local Strategic Partnership to develop and review an Economic Strategy and annual Action Plan.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li><u>Head of Planning</u></li> <li>To Executive Member/ <u>Policy and Regeneration Manager</u></li> </ul>	<div style="border: 1px solid purple; padding: 2px; font-size: small;">Formatted: Bullets and Numbering</div>
7.3 Monitor the overall economic and	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community</li> </ul>	<div style="border: 1px solid purple; padding: 2px; font-size: small;">Deleted: Development Services &amp; Policy Manager.</div>

Functions	Onward Limits of Delegation
employment position of the Borough and the progress of the policies and strategies approved by the Council.	Direction) <ul style="list-style-type: none"> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul>
7.4 Support the development of businesses within the Borough and seek to preserve existing jobs and create new employment opportunities.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul>
7.5 Encourage new employers into the Borough.	<ul style="list-style-type: none"> <li>• Strategic overview to Executive Member/ Operational management to Deputy Chief Executive (Community Direction) / <u>Head of Planning</u> / <u>Policy &amp; Regeneration Manager</u></li> </ul>
7.6 Work with partners to capitalise upon existing skills and develop long term skills diversification and learning in general.	<ul style="list-style-type: none"> <li>• Strategic overview to Executive Member/ Operational management to Deputy Chief Executive (Community Direction)/ <u>Head of Planning</u> / <u>Policy &amp; Regeneration Manager</u></li> </ul>
7.7 To act as consultee on issues of acquisition and disposal of land (including interests in land) within the responsibility of the Portfolio.	<ul style="list-style-type: none"> <li>• Executive Member</li> </ul>
7.8 Monitor and disseminate information on economic development opportunities in conjunction with local and regional partners.	<ul style="list-style-type: none"> <li>• Strategic overview to Executive Member/Operational management to:</li> <li>• Deputy Chief Executive (Community Direction)/</li> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul>
7.9 Consult with and influence other external bodies and relevant Service Areas of the Council affecting economic delivery and inward investment.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul>
7.10 To explore all opportunities for European and other external funding in relation to existing and potential economic twinning links.	<ul style="list-style-type: none"> <li>• Chief Officer (Business Contract and Streetscene Services).</li> <li>• Deputy Chief Executive (Community Direction).</li> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul>
7.11 To have delegated powers to determine grant applications received from the Borough's small and medium sized businesses (SMES) in accordance with conditions and criteria established and amended from time to time.	<ul style="list-style-type: none"> <li>• Executive Member</li> </ul>
7.12 To improve the quality of the Borough's stock of industrial and commercial property by enabling or direct provision.	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Corporate Direction)</li> </ul>

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Functions	Onward Limits of Delegation
7.13 To work in liaison with local and national bodies on economic development matters.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) and relevant Executive Member</li> </ul>
<p><b>8. Community Development Partnerships</b></p> <p>To promote the regeneration of the Borough's communities.</p> <p>To receive recommendations from Local Strategic Partnership and to determine within Council policy how they should be dealt with. To make recommendations to Local Strategic Partnership.</p>	<p>Strategic Direction to Executive Member Operational to Deputy Chief Executive (Community Direction).</p>
<p><b>9. Planning Policy</b></p> <p>9.1 Planning Policy</p> <p>1. Develop Planning Policy, the Local Plan and the Development Framework for Council.</p> <p>2. To ensure future land use provides for the economic, social and environmental well-being of the Borough and supports the Council's strategic objectives.</p> <p>3. To develop Supplementary Planning Guidance (and emerging Supplementary Planning Statements) for consideration by Planning Committee.</p> <p>9.2 Conservation of the Built and Natural Environment.</p> <p>1. The preparation of schemes for tree planting, landscaping and other environmental improvement works within the Borough (Section 89 of the National Parks and Access to the Countryside Act 1949 and Countryside Act 2000).</p> <p>2. To consider and determine all applications for landscape conservation grants, grants for the renovation or repair of Listed Buildings or other buildings contained in a</p>	<ul style="list-style-type: none"> <li>Strategic direction to Executive Member.</li> <li>Operational to Deputy Chief Executive (Community Direction)</li> <li><u>Head of Planning</u></li> <li><u>Policy and Regeneration Manager</u></li> </ul> <ul style="list-style-type: none"> <li>Strategic direction to Executive Member.</li> <li>Operational to Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Policy &amp; Regeneration Manager</li> </ul> <ul style="list-style-type: none"> <li>Recommendations to Council - Executive Member</li> <li>Development to Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Policy &amp; Regeneration Manager</li> </ul> <ul style="list-style-type: none"> <li>To Executive Member</li> <li>To Deputy Chief Executive (Community Direction), Head of Planning, Policy &amp; Regeneration Manager up to £10k</li> <li>Executive Member (£10k +)</li> </ul> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Head of Planning</li> <li>Policy &amp; Regeneration Manager</li> </ul>

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Functions	Onward Limits of Delegation
<p>Partnership Agreement, or local environmental improvement grants in accordance with policy guidelines and budget provision.</p> <p>3. Nature conservation matters generally and, particularly, liaison with the Natural England and other relevant bodies with respect to the designation of Sites of Special Scientific Interest within the Borough and the establishment of Local Nature Reserves (Section 28 of the Wildlife and Countryside Act 1981 and Section 21 of the National Parks and Access to the Countryside Act 1949 and Countryside Act 2000.</p> <p>4. Liaison with the Department of Culture, Media and Sport and English Heritage concerning Scheduled Ancient Monuments and Areas of Archaeological Importance (Ancient Monuments and Archaeological Areas Act 1979).</p> <p>5. Entering into a Partnership Agreement in respect of any Conservation Area within the Borough (Section 79 of the Listed Buildings and Conservation Areas Act 1990).</p> <p>6. Designating new Conservation Areas and agreeing scheme of enhancement Conservation Areas (Sections 69 and 71 of Listed Buildings and Conservation Areas Act 1990).</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Head of Planning</li> <li>• Policy &amp; Regeneration Manager</li> </ul> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> </ul> <ul style="list-style-type: none"> <li>• None</li> </ul> <ul style="list-style-type: none"> <li>• None</li> </ul>

<p><b>10. Highways and Transportation</b></p> <p>10.1 To ensure the Local Plan makes adequate provision for strategic transport infrastructure and to develop strategic transport strategy.</p> <p>10.2 To approve the Borough Council's information and objectives to Leicestershire Transport Plan.</p> <p>10.3 To liaise with the Highways authority on traffic management and highways maintenance.</p> <p>10.4 To promote public transport.</p>
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<ul style="list-style-type: none"> <li>• Executive Member (Strategy)</li> <li>• Deputy Chief Executive (Community Direction) for detailed provisions.</li> <li>• <u>Head of Planning</u></li> <li>• <u>Policy and Regeneration Manager</u></li> </ul> <ul style="list-style-type: none"> <li>• Executive Member to recommend to Highways Forum.</li> </ul> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <u>Head of Planning</u></li> <li>• Chief Officer (Business Contract and Streetscene Services)</li> </ul> <ul style="list-style-type: none"> <li>• Executive Member for strategic overview</li> </ul>
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Functions	Onward Limits of Delegation
10.5 To ensure road safety is a priority within Community Safety.	<ul style="list-style-type: none"> <li>Deputy Chief Executive</li> <li>Executive Member/Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>
10.6 To be responsible for developing and advising on Council policies in relation to sustainable transport.	None
10.7 To recommend policy in relation to all Borough highway and highway related functions, including on or off-street parking.	None
10.8 Power to make Orders under sections 26, 119, 118 Highways Act 1980 to create divert and extinguish footpaths.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>
<b>11. Derelict Land</b>	
11.1 The formulation and implementation of Policies and programmes for the reclamation of derelict land including securing the necessary grant aid or other financial resources to carry out such programmes (Section 89 of the National Parks and Access to the Countryside Act 1949).	<ul style="list-style-type: none"> <li>Strategic direction to Executive Member</li> <li>Development to Deputy Chief Executive (Community Direction)</li> </ul>

## LICENSING AND REGULATORY COMMITTEE

Responsibility of the Licensing and Regulatory Committees	Delegation of Functions	Formatted Table
<b>Health and Environment</b>		
<b>Licensing and Registration Functions</b>		
1. Power to issue licences authorising the use of land as a caravan site. (Section 3(3) of the Caravan Sites and Control of Development Act 1960.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
2. Power to licence the use of moveable dwellings and camping sites. (Section 269(i) of the public Health Act 1936).	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
3. Power to licence premises for acupuncture, tattooing, ear piercing, electrolysis, semi permanent skin colouring and cosmetic piercing	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt

Responsibility of the Licensing and Regulatory Committees	Delegation of Functions	Formatted Table
(Sections 13 to 17 Local Government (Miscellaneous Provisions Act 1982).	<ul style="list-style-type: none"> <li>Chief Officer (Environmental Health)</li> </ul>	
Power to authorise or reject applications regarding hypnotism as a means of entertainment.	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Principal Licensing Officer</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
4. Power to licence pleasure boats and pleasure vessels (Section 94, Public Health Acts Amendment Act 1970)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
5. Power to licence scrap yards (Section 1 Scrap Metal Dealers act 1964)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
6. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds (Safety of Sports Grounds Act 1975)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
7. Power to licence premises for the breeding of dogs (Section 1, Breeding of Dogs Act 1973 and Section 1 & 8 of Breeding and Sale of Dogs (Welfare) Acts 1999	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
8. Power to licence pet shops and other establishments where animals are kept (Section 1 of Pet Animals Act 1951 & Section 1 Animal Boarding Establishments Acts 1963 for the purposes of carrying on a business	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
9. Power to licence riding establishments under the Riding Establishments Acts 1964 & 1970	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) on advice from a veterinary practitioner</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
10. Power to register animal trainers and exhibitors (Section 1 of Performing Animals (Regulation) Act 1925)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
11. Power to licence zoos (Section 1 of Zoo Licensing Act 1981)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
12. Power to licence dangerous wild animals (Section 1 of Dangerous Wild Animals Act 1976)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>

Responsibility of the Licensing and Regulatory Committees	Delegation of Functions	Formatted Table
13. Power to licence knackers yards (Section 4 of Slaughterhouse Act 1974 and Animal By-Products Order 1999)	<ul style="list-style-type: none"> <li>Chief Officer (Environmental Health)</li> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
14. Power to licence persons to collect for charitable and other causes (Section 5 of the Police Factories etc. (Miscellaneous Provisions) Act 1916 – Street Collections and Section 2 of the House to House Collection Act 1939 – House to House Collections)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Principal Licensing Officer</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
15. Power to grant consents for the operation of a loudspeaker (Schedule 2, Noise and Statutory Nuisances Act 1993)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
16. Power to approve Vertical Directive Premises under EC 853/2004 (meat, dairy and fishery products premises)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
17. Duty to keep register of food premises (Regulation 5 of Food Premises (Registration) Regulations 1991)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
18. Power to register food business premises (Regulation 9 of Food Premises (Registration) Regulations 1991)	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
19. Serving notices under Anti-social Behaviour Act 2003 relating to graffiti	<ul style="list-style-type: none"> <li>Chief Officer (Business Contract and Streetscene Services)</li> <li>Operations Manager</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt
20. Duty to register Motor Salvage Operators under S2 Vehicles Crime Act 2001	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt

**LICENSING COMMITTEE**

Functions of the Licensing Committee	Delegation of Functions	Deleted: Health & Safety at Work Functions¶ [26]
1. Power to licence hackney carriage and private hire vehicles (Town Police Clauses Act 1847 as extended by Section 171 of Public Health Act 1875, and Section 15 of Transport Act 1985 and Sections 47, 57, 58, 60 and 79 of	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Principal Licensing Officer</li> <li><u>Licensing Officer</u></li> </ul>	Deleted: ¶ Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt Formatted: Font: Bold, Underline

**Functions of the Licensing Committee**

**Delegation of Functions**

<p>Local Government (Miscellaneous Provisions) Act 1976</p>		
<p>2. Power to licence drivers of hackney carriages and private hire vehicles (Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976</p>	<ul style="list-style-type: none"> <li>• <u>Deputy Chief Executive</u></li> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p><b>Formatted:</b> Indent: Left: 1.7 pt, Bulleted + Level: 2 + Aligned at: 0 pt + Tab after: 18 pt + Indent at: 18 pt, Tabs: 19.7 pt, List tab</p>
<p>3. Power to licence operators of hackney carriages and private hire vehicles (Sections 55 to 58, 62 and 79 of Local Government (Miscellaneous Provisions) Act 1976</p>	<ul style="list-style-type: none"> <li>• <u>Deputy Chief Executive</u></li> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p><b>Formatted:</b> Indent: Left: 1.7 pt, Bulleted + Level: 2 + Aligned at: 0 pt + Tab after: 18 pt + Indent at: 18 pt, Tabs: 19.7 pt, List tab + Not at 72 pt</p>
<p>4. To consider Private Hire and Hackney Carriage Licence applications/matters and decide to grant/issue warnings/suspend or revoke where the applicant has previous convictions/cautions <u>and medical issues</u> or where soft information is received</p>	<ul style="list-style-type: none"> <li>• Taxi Licencing Sub Committee (3) members</li> </ul>	<p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p><b>Deleted:</b> e</p> <p><b>Deleted:</b> 5. Determination of small society registrations under the Gambling Ac... [27]</p>
<p>5. Power to suspend or revoke hackney carriage and private hire driver, vehicle and operator's licences, Local Government (Miscellaneous Provisions) Act 1976 Section 60, 61 (as extended by Section 52 of the Road Safety Act 2006) and 62</p>	<ul style="list-style-type: none"> <li>• <u>Chief Officer (Environmental Health)</u></li> <li>• <u>Environmental Health Manager (Commercial)</u></li> <li>• <u>Principal Licensing Officer</u></li> </ul>	<p><b>Deleted:</b> Principal Licensing Officer</p> <p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<p>6. Power to grant licences, transfers and variations where no objections or representations are received and to grant a private hire/hackney carriage driver's licence where the applicant's driving licence has not been endorsed with 6 or more points or a Court has not awarded points which take the number of points on the licence to or over 6</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> <li>• <u>Licensing Officer</u></li> </ul>	<p><b>Deleted:</b> 7</p> <p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p><b>Deleted:</b> 8</p>
<p>7. Power to grant licences, transfers and variations in light of a driving licence endorsement expiring close to the renewal date, such that the total number of points after the endorsement has expired will be less than 6</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)/Principal Licensing Officer / <u>Licensing Officer</u> in consultation with the Chairman/Vice Chairman of the Licensing Committee</li> </ul>	<p><b>Deleted:</b> 9</p> <p><b>Formatted:</b> Font: Bold</p> <p><b>Formatted:</b> Indent: Left: 4.15 pt</p>
<p>8. Power to determine where there is legal/default action</p>	<p>None</p>	<p><b>Deleted:</b> 10</p> <p><b>Deleted:</b> Licensing Act 2003 -</p>
<p><b>The Licensing Act 2003</b></p>		
<p>9. Granting of Provisional Statement (S29)</p>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (relevant representation)</u></li> <li>• <u>Licensing Officer(s) if no relevant representations made</u></li> </ul>	<p><b>Deleted:</b> &lt;#&gt;Deputy Chief Executive (Community Direction) or Principal Licensing Officer (if no relevant representations made)¶</p> <p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>

Functions of the Licensing Committee	Delegation of Functions	
10. <u>Application to vary premises licence (S34)/Club Premises Certificate (S37)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (relevant representation)</u></li> <li>• <u>Licensing Officer(s) if no relevant representations made</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
11. <u>Variation of Designated Premises Supervisor (S37)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (police objection)</u></li> <li>• <u>Licensing Officers (all other cases)</u></li> </ul>	<p>Deleted: 11. Licensing Act 2003 - Variation of Premises Licence (S34)/Club Premises Certificate (S84)¶ ... [28]</p> <p>Formatted: Indent: Left: 4.15 pt</p>
12. <u>Request to be Removed as Designated Premises Supervisor (S41)</u>	<ul style="list-style-type: none"> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Deleted: Licensing Act ... [29]</p>
13. <u>Application to transfer Premises Licence</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (Police objection)</u></li> <li>• <u>Licensing Officers (all other cases)</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: objections</p>
14. <u>Granting of interim authorities (S47)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (police objection)</u></li> <li>• <u>Licensing Officers (all other cases)</u></li> </ul>	<p>Deleted: Deputy Chief Executive (Community Direction) or Principal</p> <p>Deleted: 13...Licensir ... [30]</p>
15. <u>Application to Review Premise Licence (S51)/Club premises Certificate (S87)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: Sub-Committee (Police objection)</p>
16. <u>decision whether a complaint is not relevant, frivolous, vexatious or repetitious</u>	<ul style="list-style-type: none"> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Deleted: 14...Licensir ... [31]</p>
17. <u>Determination of a Police objection to Temporary Events Notice (S105)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee</u></li> </ul>	<p>Formatted ... [32]</p>
18. <u>Decision to object when the local authority is a consultee and not the relevant authority considering the application</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee</u></li> </ul>	<p>Deleted: Deputy Chief ... [33]</p> <p>Deleted: 15...Licensir ... [34]</p> <p>Formatted ... [35]</p> <p>Deleted: ¶</p>
19. <u>Application for personal licence (S117)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee (police objection)</u></li> <li>• <u>Licensing Officers (no objection)</u></li> </ul>	<p>Deleted: 16...Licensir ... [36]</p> <p>Formatted ... [37]</p> <p>Deleted: 17...Licensir ... [38]</p> <p>Formatted ... [39]</p>
20. <u>Determination of personal licence with unspent convictions (S118)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Sub-Committee</u></li> </ul>	<p>Deleted: 18...Licensir ... [40]</p> <p>Formatted ... [41]</p> <p>Deleted: 19...Licensir ... [42]</p>
21. <u>Application for a premises licence (S17)/Club Premises Certificate (S71)</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Officer(s) (if no relevant representation made)</u></li> <li>• <u>Licensing Sub-Committee (relevant representation)</u></li> </ul>	<p>Formatted ... [43]</p> <p>Deleted: 20...Licensir ... [44]</p> <p>Formatted ... [45]</p> <p>Formatted ... [46]</p>
22. <u>Determination of application to vary premises licence at community premises to include alternative licence condition</u>	<ul style="list-style-type: none"> <li>• <u>Licensing Officer(s) (if no objection made)</u></li> <li>• <u>Licensing Sub-Committee (police objection)</u></li> </ul>	<p>Deleted: 21...Licensir ... [47]</p> <p>Formatted ... [48]</p> <p>Deleted: 22...Licensir ... [49]</p>
23. <u>Criminal Justice &amp; Police Act 2001 – (Sections 19-28) Power to serve closure notice/order s(19/20)</u>	<ul style="list-style-type: none"> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Formatted: Bullets and Numbering ... [50]</p> <p>Formatted ... [51]</p> <p>Formatted ... [52]</p> <p>Formatted ... [53]</p> <p>Formatted ... [54]</p>

## Functions of the Licensing Committee

## Delegation of Functions

<u>24. Decision whether to consult other responsible authorities on minor variation application</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>25. Determination of minor variation application</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>26. Identification of points for clarification in contested hearings.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>27. Decision as to whether or not a club is established in good faith.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>28. Decision as to whether a club no longer satisfies the conditions to be a qualifying club.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>29. Acknowledgement of receipt of Temporary Event Notices.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>30. Service of Counter Notice to TEN.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>31. Rejection of Personal licence application – person under 18 years of age.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>32. Decision to object when a local authority is a consultee and not the relevant authority considering the application.</u>	<ul style="list-style-type: none"><li>• <u>Licensing Sub-Committee</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>33. Referral of Personal Licence holder to Police – convictions during duration of licence.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>34. Notice requiring Personal Licence holder to produce licence for updating.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>35. Determination of Minor Variation Applications.</u>	<ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Licensing Officer</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>36. To discharge all functions, powers and duties of the Licensing Authority as a Responsible Authority, including but not exclusively to :-</u>	<p><u>Where it is a responsible authority</u></p> <ul style="list-style-type: none"><li>• <u>Principal Licensing Officer</u></li><li>• <u>Deputy Chief Executive (Community Direction)</u></li><li>• <u>Chief Officer For Environmental Health</u></li></ul>	<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>(i) consider all types of licensing applications permissible under the Act for the grant, conversion, variation, renewal or review of licensing applications and to make representations as a Responsible Authority in respect of those applications;</u>		<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>(ii) to make representations as to the conditions which should be required to promote the licensing objectives under the Act;</u>		<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>(iii) to apply for reviews;</u>		<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<u>(iv) to appeal licensing decisions where considered appropriate and to take part in licensing appeals generally.</u>		<p><b>Formatted:</b> Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
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		<p><b>Formatted</b> ... [56]</p>



Functions of the Licensing Committee	Delegation of Functions	
<u>37.</u> <u>Suspension of a premises licence / club premises certificate for non-payment of annual fee.</u>	<ul style="list-style-type: none"> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Formatted: Indent: Left: 5.65 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p>
<b>Gambling Act 2005</b>		
<u>38.</u> <u>Determination of small society registrations under the Gambling Act 2005</u>	<ul style="list-style-type: none"> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Formatted: Font: Bold</p> <p>Formatted: Indent: Left: 4.15 pt</p>
<u>39.</u> Enforcement of the provisions of the Gambling Act 2005 in accordance with the Act relevant statutory guidance and/or codes of practice	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <u>Principal Licensing Officer</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: 24</p>
<u>40.</u> Authorisation of persons in accordance with Section 304 of the Act	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <u>Chief Officer (Environmental Health)</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: 25</p>
<u>41.</u> To act on behalf of the licensing Authority as a responsible authority under Section 157 of the Gambling Act 2005	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <u>Chief Officer (Environmental Health)</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: 26</p>
<u>42.</u> To determine the following applications under the Gambling Act 2005 Applications for a Premises Licence Application for a variation to a licence Application for a transfer of a licence Application for a provisional statement	<p>Where no representations have been received or where representations have been withdrawn</p> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 26</p> <p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: 27</p>
<u>43.</u> Consideration of temporary use notice, occasional use notice	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <u>Principal Licensing Officer</u></li> <li>• <u>Licensing Officer</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt</p> <p>Deleted: 28</p>
<u>44.</u> Application for Alcohol Licensed Premises Gaming Machine Permit	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 28</p>
<u>45.</u> Application for Prize Gaming Permit/ Unlicensed Family Entertainment Centre	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 29</p>
<u>46.</u> Deciding whether representations are vexatious, frivolous or will not influence the authorities determination	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 29</p> <p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 30</p>
<u>47.</u> Review of a Premises Licence	<p>Where it is by responsible authority/interested party</p> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Principal Licensing Officer</li> </ul>	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 30</p> <p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 31</p> <p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 32</p>
<u>48.</u> Fee setting in relation to the Gambling Act	None	<p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 32</p> <p>Formatted: Indent: Left: 4.15 pt</p> <p>Deleted: 33</p>

49. Refusal or cancellation of club gaming/club machine permit	None	Deleted: 34
50. Temporary Use Notice Counter-Notice (S224)	None	Deleted: 35

**EMERGENCY COMMITTEE**

Functions of Emergency Committee	Delegation of Functions	
1. To exercise any of the functions of the Full Council or Executive which are necessary in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan or in other cases of urgency when the Council is in recess	<ul style="list-style-type: none"> <li>Executive Members to determine Executive functions after consultation with other Members of the Emergency Committee</li> <li>Emergency Powers under the Civil Contingency Act 2003 are delegated to Head of Paid Service and The Executive Member for Strategy, Housing and Partnerships</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt
2. To justify the deployment of the Council's resources	<ul style="list-style-type: none"> <li>Delegated to appropriate level of management as set out in the Emergency Plan</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt
3. To approve the expenditure incurred	<ul style="list-style-type: none"> <li>Delegated to appropriate level of management for operational matters only as set out in the Emergency Plan. To Chief Executive and Section 151 Officer for Civil Contingency</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt
4. To provide the political lead in communication with the media and general public	<ul style="list-style-type: none"> <li>Leader of Council &amp; relevant Executive Member</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt
5. To ensure Civil Contingency Risk assessments are undertaken	<ul style="list-style-type: none"> <li>Relevant Executive Member</li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt

**ETHICAL GOVERNANCE & PERSONNEL COMMITTEE**

Function of the <u>Ethical Governance &amp; Personnel Committee</u>	Delegation of Function	
a. Promoting and maintaining high standards of conduct by Councillors and co-opted members	None	Deleted: STANDARDS COMMITTEE
b. Assisting Councillors and co-opted members to observe the Members' Code of Conduct	None	Formatted Table
c. Advising the Council on the adoption or revision of the Members' Code of Conduct and protocols for Members and/or employees	None	Deleted: Standards Committee

Function of the <u>Ethical Governance &amp; Personnel Committee</u>	Delegation of Function	
d. Monitoring the operation of the members' Code of Conduct	None	Deleted: Standards Committee Formatted Table
e. Advising, training or arranging to train Councillors and co-opted members on matters relating to the Members' Code of Conduct	None	
f. Granting dispensations to Councillors and co-opted members from requirements relating to interests set out in the Members' Code of Conduct	<ul style="list-style-type: none"> <li>To the Monitoring Officer <u>or Chief Executive</u></li> </ul>	Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 22.15 pt + Tab after: 40.15 pt + Indent at: 40.15 pt, Tabs: Not at 40.15 pt
g. <u>Administering a complaints process about the Conduct of members from initial complaint until resolution</u>	<u>Monitoring Officer in accordance with agreed procedures</u>	Deleted: in cases of urgency, in consultation with the Chairman and representatives of political groups
h. Overview of any Anti Fraud & Corruption Policy	None	Formatted: Indent: Left: 22.15 pt, No bullets or numbering
i. To keep under review the council's complaints procedures	None	Deleted: Monitoring Officer authorised to carry out investigations or to appoint independent investigators/advisers if appropriate
j. To keep under review the Members' and officers' Register of Interests	None	Deleted: g. Dealing with any reports from a case tribunal
k. Overview of Ombudsman investigations	None	Deleted: ,
l. The exercise of (a) to (g) above in relation to Parish Councils wholly in Hinckley & Bosworth Borough Council's area and their elected Members	None	Deleted:
m. Dealing with dispensations relating to politically restricted posts	None	Deleted: Standards Committee or interim case tribunal and any report from the Monitoring Officer on any matter
n. Granting dispensations to employees from political restrictions	None	Deleted: which is referred by the Deleted: Standards Committee Deleted: Ethical Governance & Personnel Committee to the Monitoring Officer¶

### 3 RESPONSIBILITY FOR EXECUTIVE FUNCTIONS

#### GENERAL POWERS (IN RELATION TO EXECUTIVE FUNCTIONS)

Functions	Onward Limits of Delegation	
1. Subject to Contract Procedure Rules authorise and manage contracts for goods and services within approved budgets.	<ul style="list-style-type: none"> <li>Once the Executive has authorised expenditure on a specific contract, either by inclusion as an ongoing item in the Council's annual budget or by a separate minute, the appropriate SLB member has the authority to let the contract</li> </ul>	Deleted: n Deleted: o Deleted: 3 Deleted: 1
Orders for work, goods and services to be in accordance with <u>Financial Procedure Rules</u> , as recommended by the Section 151 Officer.	<ul style="list-style-type: none"> <li>Board members may, at their discretion, refer the evaluation or choice of a particular contract back to the Executive or the individual Executive Member with the</li> </ul>	Deleted: ¶ Deleted: Deleted: Financial procedure rules

Functions	Onward Limits of Delegation
<p>2 To institute legal proceedings, including proceedings for an injunction, to authorise the carrying out of works in default of a notice and to lodge an appeal against any Court decision in relation to Executive functions.</p>	<p>relevant portfolio</p> <ul style="list-style-type: none"> <li>Board members after consultation with the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) (Executive Member to be advised)</li> </ul>
<p>3 To manage the services for which the Executive is responsible within approved budgets according to Finance Procedure Rules</p>	<ul style="list-style-type: none"> <li>Operational management of services is delegated to Board members, in accordance with procedures and the formal delegation system. <i>Relevant section managers</i></li> <li>Strategic overview services is delegated to individual Executive Member with the relevant portfolio</li> </ul>
<p>4 To recommend to Council the making of Bylaws in relation to Executive functions</p>	<p>None</p>
<p>5 To ensure, within the policies and budgets approved by the Council, that staff are trained to approve attendance at courses, conferences and seminars</p>	<ul style="list-style-type: none"> <li>Board members to approve training</li> <li>Personnel Manager to approve expenditure</li> </ul>
<p>6 To comment upon plans, strategies, policies and consultation documents which may affect the Borough produced by the EU, Government, Regional bodies, other public bodies, or local authorities</p>	<ul style="list-style-type: none"> <li>To individual Executive Members, except when likely to have a major impact on Council Policy, in which case comments are reserved to the Executive</li> </ul>
<p>7 Authority to negotiate financial settlements in respect of Executive functions</p>	<ul style="list-style-type: none"> <li>To Board member in accordance with instructions of the Executive. Subject to keeping the Executive Member with the relevant portfolio informed</li> </ul>
<p>8 The Executive can meet more or less frequently than is laid down in the Council programme</p>	<ul style="list-style-type: none"> <li>Leader of Council and others in accordance with Executive Procedure Rules</li> </ul>
<p>9 To monitor service objectives and targets, programmes and strategies for services</p>	<ul style="list-style-type: none"> <li>Board member to approve business plan, objectives and targets linked to Performance Plan.</li> <li>Individual Executive Member to monitor objectives and targets relating to their portfolio, subject to exception reporting to the Executive</li> </ul>
<p>10 To recommend capital and revenue budget to the Council</p>	<p>None</p>
<p>11 To have responsibility for the health and safety of the Council's employees and other persons who may be affected by the</p>	<ul style="list-style-type: none"> <li>To individual Executive Members, Board members, Managers, Supervisors and individual employees as set out in the</li> </ul>

Functions	Onward Limits of Delegation
Council's activities or on land within the management responsibility or ownership of the Council	Council's Safety Policy
<del>12</del> To oversee the management of any direct service organisation which delivers a function which is the responsibility of the Executive	<ul style="list-style-type: none"> <li>The right to employ casual labour is delegated to the Chief Executive / Deputy Chief Executive / Chief Officer. Operational management which includes the approval of bids for plant and equipment is delegated also to Deputy Chief Executive / Chief Officer</li> </ul>
<del>13</del> To meet as appropriate with the Leader of Opposition and Leaders of Minority Groups to discuss policy matters before taking recommendations to Council or Committee	<ul style="list-style-type: none"> <li>Delegated to Leader of Council or other Executive Member</li> </ul>
<del>14</del> To have authority to deal with urgent business that must be decided within FIVE DAYS in relation to Executive functions	<ul style="list-style-type: none"> <li>The appropriate Strategic Leadership Board member be authorised to take a decision, having first consulted all available Members of the Executive <a href="#">and the Chairman of the Scrutiny Commission</a></li> <li>In the absence of the appropriate <a href="#">Strategic Leadership</a> Board member, another Board member should take the decision having made the appropriate consultation</li> </ul>
<del>15</del> Power to make Compulsory Purchase Orders other than in respect of Listed Buildings	None
<del>16</del> To set fees and charges for Executive functions within the Budget Policy Framework of the Council	None

## LEADER'S PORTFOLIO

Functions	Onward Limits of Delegation
<del>1</del> <b>Quality</b>	
<del>1.1</del> To promote the efficiency and effectiveness of the Council, through the Quality Programmes	None
<del>1.2</del> To oversee the formal administration of the Council's Quality System, Risk Management and Self Assessment programmes	<ul style="list-style-type: none"> <li>Operational management of Head of Paid Service. Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>
<del>1.3</del> To promote customer care and equality in service delivery and access	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member. Operational management to Head of Paid Service</li> </ul>
<del>2</del> <b>Emergency Planning / Civil</b>	In all cases:

<b>Contingency Act</b>	
2.1 To liaise on Emergency Planning. (Note: the Council's Emergency Committee will take control in a major incident) and to improve the Emergency Plan	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational Management to Head of Paid Service and Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>
2.2 Approval of Emergency Plan	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>

## FINANCE & ICT PORTFOLIO

Functions	Onward Limits of Delegation
<b>Scope: Accountancy and Treasury Management; Insurances: Revenues and Benefits Administration; Housing Rents Administration; Fraud Investigation; Information Technology and Support Services; Internal and External Audit Procurement, Asset Management</b>	
1 Resources	
1.1 To oversee and direct the use of financial and technological resources of the Council	<ul style="list-style-type: none"> <li>Operational Management of functions is delegated to the Deputy Chief Executive (Corporate Direction). Executive Member for Finance &amp; ICT</li> </ul>
2 Finance	
Under the direction of the Council and Leader of the Council:	
2.1 To be responsible for the overall management and control of the finances of the Council	<ul style="list-style-type: none"> <li>Executive Member for Finance &amp; ICT, SL Board members in accordance with Financial Procedure Rules</li> <li>Deputy Chief Executive (Corporate Direction) for operational management <i>Accountancy Manager</i></li> </ul>
2.2 To monitor the Council's capital and revenue budgets. Approval of overspend, virement and supplementary budgets	<ul style="list-style-type: none"> <li>Chief Executive and Chief Officer in accordance with Financial Procedure Rules</li> </ul>
2.3 To make recommendations to the Council on Council Tax requirements	<ul style="list-style-type: none"> <li>To Leader of Council</li> </ul>
2.4 To advise on the financial implications of proposed new policies or development of existing policies including sources of revenue	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>
2.5 To determine borrowing policy and	None

Functions	Onward Limits of Delegation	
investment treasury management (on advice of Deputy Chief Executive (Corporate Direction))		
2.6 To regularly monitor the performance of all funds invested	<ul style="list-style-type: none"> <li>Executive Member / Deputy Chief Executive (Community Direction) (Corporate Direction)</li> </ul>	Deleted: 6
2.7 To supervise the Council's insurance arrangements	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) <i>Accountancy Manager</i></li> </ul>	Deleted: 7
2.8 To supervise the Council's banking arrangements	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) <i>Accountancy Manager</i></li> </ul>	Deleted: 8
2.9 To be responsible for all matters related to the full range of financial and accountancy functions	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) <i>Accountancy Manager</i></li> </ul>	Deleted: 9
2.10 To be responsible for the administration of Council Tax, Non-Domestic rates and revenues	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li>Head of Revenues &amp; Benefits</li> </ul>	Deleted: 10
2.11 To be responsible for Council tax and Housing benefit	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li>Head of Revenues &amp; Benefits</li> <li>Prosecution &amp; Enforcement Policy Deputy Chief Executive (Corporate Direction)/ Head of Revenues &amp; Benefits following consultation with Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	Deleted: 11
2.12 To consider and determine applications from occupiers of non-domestic properties for reduction of rate liability on grounds of:	<ul style="list-style-type: none"> <li>To Executive Member on advice from Deputy Chief Executive (Corporate Direction) and Head of Revenues &amp; Benefits</li> </ul>	Deleted: 12
(i) hardship under the provisions of Section 49 of the Local Government Act 1988; AND		Formatted: Indent: Left: 0 pt, Hanging: 24 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 24 pt, List tab + Not at 36 pt + 54 pt
(ii) part occupation relief under the provisions of Section 44A of the Local Government Finance Act 1988		Formatted: Indent: Left: 0 pt, Hanging: 24 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 24 pt, List tab + Not at 36 pt + 54 pt
(iii) Charitable relief under the provisions of Sections 43-47 of the Local Government Act 1988		Formatted: Indent: Left: 0 pt, Hanging: 24 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 24 pt, List tab + Not at 36 pt + 54 pt
(iv) Village shops relief under the provisions of the Local Government Rating Act 1997		Formatted: Indent: Left: 0 pt, Hanging: 24 pt, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 18 pt + Tab after: 54 pt + Indent at: 54 pt, Tabs: 24 pt, List tab + Not at 36 pt + 54 pt
2.13 To be responsible for the Council's concessionary travel schemes	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><i>Accountancy Manager</i></li> <li>Executive Member for determination of taxi</li> </ul>	Deleted: 13

Functions	Onward Limits of Delegation	
	voucher appeals	
2.14 To receive the annual Statement of Accounts and forward to Council	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 14
2.15 To consider reports on outstanding debts due to the Council and to undertake recovery or write off	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) in accordance with Financial Procedure Rules</li> </ul>	Deleted: 15
2.16 To authorise payment of all accounts	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) in accordance with Financial Procedure Rules</li> </ul>	Deleted: 16
2.17 To administer house purchase advances within the declared policy of the Council	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 17
2.18 To approve all security arrangements of the Council in respect of computers and financial issues	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 18
2.19 To be consulted by the Valuation Officer and to be a party to any agreement for the amendment to the valuation list for non-domestic rates and Council Tax purposes	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 19
2.20 To authorise investments and debt repayment in accordance with the Council's Treasury Management Policy	<ul style="list-style-type: none"> <li>Executive Member / Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 20
2.21 To authorise all leasing arrangements for the acquisition of vehicles, plant and equipment within approved budgets	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) <i>Accountancy Manager</i></li> </ul>	Deleted: 21
<b>3 Information Technology Services</b>		Deleted: 3
3.1 To oversee the use of information and other technology in support of the Council's business and service commitments	<ul style="list-style-type: none"> <li>Operational / Management to Deputy Chief Executive (Corporate Direction)</li> <li>Executive Member for Finance &amp; ICT</li> </ul>	Deleted: 1
3.2 To oversee the corporate finance and ICT support services that are necessary for the efficient conduct of the Council's business and services	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)/ Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> <li>ICT Manager</li> </ul>	Deleted: 2
3.3 To be the Council's E-Government Champion	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>	Deleted: 3
<b>4 Audit Services</b>		Deleted: 4



Functions	Onward Limits of Delegation	
4.1 To manage the internal audit function	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 1
4.2 To receive reports from the monitoring officer and District Audit on Executive functions	None	Deleted: 2
4.3 To consider and make recommendations on the external audit management letter	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li>Chief Executive</li> </ul>	Deleted: 3
4.4 To consider both the external and internal audit plan	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li>Executive Member</li> </ul>	Deleted: 4
4.5 To receive progress reports on audit plans and an overview of both internal and external audits and to agree follow up action where appropriate	<ul style="list-style-type: none"> <li>Finance, Audit &amp; Performance Committee</li> <li>Executive Member with exception reporting to Executive</li> </ul>	Deleted: 5
4.6 To make recommendations on the development of the internal audit service and to specify minimum audit levels to ensure statutory and other requirements are met	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 6
4.7 To consider and make recommendations on all aspects of the Council's work and to be responsible for overseeing the administration of the Council's Complaints Procedure	<p>None</p> <ul style="list-style-type: none"> <li>Operationally in relation to the Council Complaints Procedure – Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	Deleted: 7
<b>5 Rents</b>		Deleted: 5
1.1 To administer the Housing Rents service and to manage arrears	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction). Head of Revenues &amp; Benefits</li> </ul>	Deleted: 1
1.2 To consider the level of rents and make recommendations to Council	None	Deleted: 2
<b>6 Asset Management</b>		Deleted: 6
6.1 Provision of office accommodation and other corporate property and fixtures and fittings within them	Operational management is delegated to the relevant SLB/COB member with the Executive Member responsible for an overview of the function	Deleted: 1
6.2 Maintenance of Asset Register and provision of guidance to members and management	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 2 Deleted: Estates and Asset Manager
6.3 Responsible for the day to day control and management of land and buildings, (including security arrangements), in the ownership of the Council which are for the accommodation of employees	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 3 Deleted: Estates and Asset Manager

Functions	Onward Limits of Delegation	
6.4 Design, preparation and contract management (including Health and Safety issues) of building work (whether new build or restoration) of all corporate property and professional services provided under the Local Authorities (Goods and Services) Act 1970	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 4
6.5 The management of matters relating to energy conservation in all corporate property	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 5 Deleted: Estates and Asset Manager
6.6 Responsibility for the promotion and enabling of improved access and mobility within the built environment with particular reference to people with disabilities under the Disabled Persons Act 1981 and the Disability and Discrimination Act 1995	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 6 Deleted: Estates and Asset Manager
6.7 Maintain an Approved Select List of Building / Engineering Contractors and Suppliers to the Council	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 7 Deleted: Estates and Asset Manager
6.8 Provision of architectural, estates and building maintenance services in respect of all Council property	<ul style="list-style-type: none"> <li>Operational management to Deputy Chief Executive (Corporate Direction)</li> <li>Strategic overview to Executive Member</li> </ul>	Deleted: 8
6.9 Corporate Landlord management, repair and maintenance of all corporate property inclusive of public buildings, to ensure compliance with all relevant statutory legislation, fitness for use (including the Health and Safety at Work Etc Act 1974), service delivery and maximum asset value	<ul style="list-style-type: none"> <li>Relevant Service Manager, Operations Board and Strategic Leadership Board Member</li> <li><a href="#">Corporate Property Officer</a></li> </ul>	Deleted: 9 Deleted: Estates and Asset Manager
6.10 Leasing and licensing of Council land or buildings an any legal or other interest in such land, after consultation with internal and external users	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> <li><a href="#">Corporate Property Officer</a> following consultation with Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	Deleted: 10 Deleted: Estates and Asset Manager
6.11 Sale or purchase of land or buildings (excluded from Contract Procedure Rules), in accordance with Asset Management Plan	<ul style="list-style-type: none"> <li>In all cases to the Asset Management Strategy Group containing the executive member for Finance &amp; ICT</li> <li>Deputy Chief Executive (Corporate Direction) up to £5K</li> <li>Deputy Chief Executive (Corporate Direction) in conjunction with Executive Member up to £25K</li> </ul>	Deleted: 11
6.12 Management, valuation or property, for asset valuations, mortgage advances,	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction)</li> </ul>	Deleted: 12

Functions	Onward Limits of Delegation	
<p>acquisitions, disposals, leases and licences</p> <p>6.13 To prepare, let and manage contracts for the demolition of buildings, in accordance with Council resolutions</p>	<p><a href="#">Corporate Property Officer</a></p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Corporate Direction) Estate and Asset Manager</li> </ul>	<p>Deleted: Estates and Asset Manager</p> <p>Deleted: ¶</p> <p>Formatted: No bullets or numbering</p> <p>Deleted: 13</p> <p>Formatted: No bullets or numbering</p> <p>Deleted: ¶</p>

**CULTURE DEVELOPMENT AND REGENERATION PORTFOLIO**

Development Control		
1) To promote and deliver a customer-focussed Development Control service	Strategic direction to Executive Member	Deleted: )
2) To determine Planning Applications in accordance with approved Planning Policy or make appropriate recommendations to Planning Committee	Strategic direction to Executive Member	Deleted: )
3) To service Planning Committee with professional staff and quality reports	Strategic direction to Executive Member	Deleted: )
4) To provide a proactive Planning Enforcement service to deliver high quality services to the public and report regularly to Planning Committee	Strategic direction to Executive Member	Deleted: )

Building Control		
1) To provide a Building Control service to meet statutory requirements and to meet the Council's adopted Building Control performance standards	Strategic direction to Executive Member	Deleted: )
2) To recommend policy direction and future service provision	Strategic direction to Executive Member	Deleted: )

**CORPORATE SERVICES**

1 Corporate Governance		Deleted: 1
1.1 Corporate Governance, Performance Plan, Democratic Renewal, Civic & Member Issues, Customer Complaints Process	<ul style="list-style-type: none"> <li>Operational management to Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> <li>Strategic overview to Executive Member</li> </ul>	Deleted: 1
1.2 Oversee services to Councillors and Committee administration, including scrutiny	<ul style="list-style-type: none"> <li>Operational matters to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> <li><a href="#">Publication of decisions to the Democratic Services Officer or his/her nominee</a></li> </ul>	<p>Deleted: 2</p> <p>Deleted: None¶</p>

<p>1.3 To approve the members development and training plan</p>	<ul style="list-style-type: none"> <li>Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: 3</p>
<hr/>		
<p><b>2 Elections</b></p>		
<p>2.1 Management of Elections and Electoral Registrations, or periodic reviews of Electoral Divisions, Wards, Parliamentary Constituency and European Parliamentary Constituency Boundaries and to advise Council</p>	<ul style="list-style-type: none"> <li>Management to Returning Officer, Electoral Registration Officer and Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: 2</p> <p>Deleted: 1</p>
<hr/>		
<p><b>3 Legal Services</b></p>		
<p>3.1 To oversee the administration of legal services</p>	<ul style="list-style-type: none"> <li>Operational management delegated to Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> <li>Strategic overview to Executive Member</li> </ul>	<p>Deleted: 3</p> <p>Deleted: 1</p>
<p>3.2 Authority to sign a "Certificate of Opinion" to accompany an application for political restriction in respect of a post. Local Government &amp; Housing Act 1989, Sections 2 and 3 and Local Government Act 1972, Sections 2, 3 and 4</p>	<ul style="list-style-type: none"> <li>Monitoring Officer</li> </ul>	<p>Deleted: 2</p>
<p>3.3 To advise Council on Data Protection, Access to Information and Human Rights</p>	<ul style="list-style-type: none"> <li>Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: 3</p>
<hr/>		
<p><b>4 Customer Services</b></p>		
<p>4.1 To oversee the delivery of Customer Services including the contact centre and reception</p>	<ul style="list-style-type: none"> <li>Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: 4</p> <p>Deleted: 1</p>
<hr/>		
<p><b>5 Communications / Public Relations and Marketing</b></p>		
<p>5.1 To co-ordinate and promote access to Council services and public information through development of Information Centres / One-Stop-Shops</p>	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational management to Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	<p>Deleted: 5</p> <p>Deleted: 1</p>
<p>5.2 To promote the public face of the Council through the management of public and media relations</p>	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational management to Head of Paid Service. Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) or Deputy</li> </ul>	<p>Deleted: 2</p>
<p>5.3 To promote implementation of the Council's policies in respect of corporate marketing and communication</p>	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational management to Head of Paid Service. Chief Officer (Corporate and</li> </ul>	<p>Deleted: 3</p>

	Customer Resources, Scrutiny and Ethical Standards) or Deputy	
5.4 To co-ordinate multi agency implementation of Civil contingency media and public relations policy	<ul style="list-style-type: none"> <li>Chief Executive</li> <li>Executive Member</li> </ul>	Deleted: 4
<b>6 Human Resource Issues</b>		
6.1 To approve the Management Structure of each Service Area below Chief Officer level after consulting <a href="#">Ethical Governance &amp; Personnel Committee</a>	<ul style="list-style-type: none"> <li>Strategic Leadership Board</li> </ul>	Deleted: 1 Deleted: Personnel Committee
6.2 Determination of grading and specific conditions such as car allowances	<ul style="list-style-type: none"> <li>Below <u>second</u> tier to Strategic Leadership Board within budget</li> </ul>	Deleted: 2 Deleted: third Deleted: / Principal Officer grade
6.3 To approve Job Descriptions / Person Specifications for all employees other than Board members	<ul style="list-style-type: none"> <li>Approval delegated to the Chief Executive / Deputy or Head of Service, except in the case of Board members themselves, where approval will be by the Council. <i>To Chief Officer for posts below third tier managers</i></li> </ul>	Deleted: / houses / allowances Deleted: 3
6.4 To recommend to Council, the development of policies on the full range of personnel issues, after consultation with <a href="#">Ethical Governance &amp; Personnel Committee</a>	None	Deleted: 4 Deleted: Personnel Committee
6.5 To approve Codes of Conduct in support of personnel policies	None	Deleted: 5
6.6 To have regard to issues relating to the Local Government Pensions Scheme and the Council's Early Retirement Scheme except where they are applied to individual employees	None	Deleted: 6
6.7 To monitor the performance and management of the Human Resources Section	<ul style="list-style-type: none"> <li>Operational management and performance monitoring to Personnel Manager and Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>	Deleted: 7
6.8 To monitor staffing information reports	None	Deleted: 8
6.9 To consider recommendations from <a href="#">Local Joint</a> and Safety Panel (jointly with <a href="#">Ethical Governance &amp; Personnel Committee</a> )	None	Deleted: 9 Deleted: JP Deleted: Personnel Committee
6.10 Use of the powers in Section 13(4) and 13(5) of the Local Government Act 2000 to place staff at the disposal of other local authorities to facilitate joint arrangements or joint working for Executive functions	<ul style="list-style-type: none"> <li>Chief Executive</li> </ul>	Deleted: 10
6.11 Responsibility for health and safety of the Council's employees	<ul style="list-style-type: none"> <li>Delegated to Executive Members, Board members, Managers, Supervisors and individual employees as set out in the</li> </ul>	Deleted: 11

6.12 To approve the corporate Training Plan

- Strategic Leadership Board (Officers)
- Members' Champions (Members)

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## HOUSING AND COMMUNITY SAFETY PORTFOLIO

Functions	Onward Limits of Delegation
<p><b>Scope:</b> Housing management and maintenance, private sector housing stock, Performance, Partnerships, Economic Development and Community Planning</p>	<p>Deleted: :</p>
<p><b>1 Housing General</b></p> <p>1.1 To exercise the powers and duties of the Council in the development of strategies and policies for:-</p> <ul style="list-style-type: none"> <li>o Assessment of housing need</li> <li>o The provision of social housing</li> <li>o Private tenancy relations</li> <li>o Advice and assistance to enable people to stay in their own home</li> <li>o Energy conservation advice to residents of the Borough</li> <li>o Management of the Council's Housing stock</li> <li>o Private sector housing duties, including condition, improvement and enforcement</li> <li>o Private sector housing duties, including condition, improvement, enforcement and countersigning for financial assistance and serving of private sector housing notices</li> </ul> <p>1.2 To co-ordinate the preparation of the Council's Housing Strategy Statement prior to its submission to the Government in connection with the annual Housing Investment Programme</p> <p>1.3 To meet the Regional Controller of the Government Office and Housing Officials to review the annual Housing Investment Programme submission and resources allocation</p> <p>1.4 To liaise with the Housing Corporation as appropriate</p> <p>1.5 To advise the Council of the Housing Needs of the Borough and to</p>	<ul style="list-style-type: none"> <li>• Operational management to Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> <li>• Strategic overview to Executive Member</li> <li>• Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> <li>• Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> <li>• Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> </ul> <p>• Executive Member (NB: Housing Strategy and amendments reserved for Full Council)</p> <ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> <li>• Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>• Deputy Chief Executive (Community Direction) and Chief Officer (Housing,</li> </ul>

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Functions	Onward Limits of Delegation
<p>recommend how to fulfil those needs in accordance with a defined Housing Strategy</p> <p>1.6 To work in partnership with other housing providers to meet the housing needs of the Borough and to recommend any financial arrangements to be made between the Council and other housing providers to carry this out</p>	<p>Community Safety and Partnerships)</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>
<p><b>2 General Land Issues</b></p> <p>2.1 To act as consultee on issues of acquisition and disposal of land (including interests in land) for the purposes of providing social housing in partnership with Registered Social Landlords or direct built</p> <p>2.2 To agree Right to Buy applications</p> <p>2.3 Sale of Land/housing up to 499</p>	<p>Executive Member</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Housing Operations Manager</li> <li>Deputy Chief Executive (Community Direction)</li> </ul>
<p><b>3 Social and Welfare Services</b></p> <p>3.1 To administer the Council's responsibilities for homeless including the provision of hostels, in accordance with the Housing Act 1996/Homelessness Act 2002</p> <p>3.2 To administer a Housing Advice Service</p> <p>3.3 To administer the Council's Housing and Social and Welfare Policies and initiatives</p> <p>3.4 To maintain the Housing Waiting List and to make nominations to registered Social Landlords in accordance with the Council's Allocation Policy and Part VI of Housing Act 1996 as amended</p> <p>3.5 To allocate houses in accordance with the Council's Policy and Part VI of Housing Act 1996 as amended</p>	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>

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Functions	Onward Limits of Delegation
<p>3.6 To operate a Warden Scheme and central control</p> <p>3.7 To encourage tenant participation in the Housing Service</p> <p>3.8 To support tenants who are in need or disadvantaged, subject to statutory limitation</p> <p>3.9 Tenancy management in accordance with Council policy and Housing Act 1985, as amended by Housing Act 1996</p>	<p>Community Safety and Partnerships)</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction)</li> <li>Housing Operations Manager</li> <li>Deputy Chief Executive (Community Direction). Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction)</li> <li>Housing Operations Manager</li> </ul>
<p><b>4 Private Sector Housing</b></p> <p>To serve the following notices and notifications:-</p> <p>4.1 Building Act 1984 Section 70 – Provision of food storage accommodation in house</p> <p>4.2 To keep the housing conditions under review with a view to identifying any action that may need to be taken under the Housing Act 2004</p> <p>4.3 Approval of the Council's Private Sector Housing Renewal Policy</p> <p>4.4 Housing Act 2004</p> <p>Serving an Improvement Notice under Section 11 and 12</p> <p>Making a prohibition order under section 20</p> <p>Serving a Hazard Awareness Notice under Section 28</p>	<p>Deleted: 4</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Senior Environmental Health Officer</li> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Senior Environmental Health Officer</li> <li>Persons authorised by the Deputy Chief Executive</li> </ul> <p>Executive</p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction) in consultation with Executive Member</li> <li>Deputy Chief Executive (Community Direction)</li> </ul>



Functions	Onward Limits of Delegation	
Taking emergency remedial action under Section 40	<ul style="list-style-type: none"> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community Direction) in consultation with Executive Member</li> </ul>	Deleted:
Making an emergency prohibition order under section 43	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) in consultation with Executive Member</li> </ul>	Deleted:
Making a demolition order under subsection 1 or 2 of section 265 of the Housing Act 1985	<ul style="list-style-type: none"> <li>None (Council)</li> </ul>	Deleted:
Declaring the area in which the premises concerned are situated to be a clearance area by virtue of Section 289(2) of that Act	<ul style="list-style-type: none"> <li>None (Council)</li> </ul>	Deleted:
Revocation and variation of an Improvement Notice, Prohibition Orders	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Review of a suspended Improvement Notice, Prohibition Order	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Suspension of a Prohibition Orders	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Power to charge for certain enforcement action	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Power to license mandatory Houses in Multiple Occupation	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Power to set fees and charges in relation to HMO licensing	None (Council)	Deleted:
Revocation/variation of a HMO licence	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Power to apply for a Rent repayment order	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
Power to introduce Additional/selective licensing	None	Deleted:

Functions	Onward Limits of Delegation	
Power to serve an interim or final management Order	None	Deleted:
Revocation Variation or termination of an interim or final management Order	None	Deleted:
Power to make an interim or final Empty Dwelling Management Order	None	Deleted:
Service of Overcrowding Notices	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) and Chief Officer (Housing, Community Safety and Partnerships)</li> </ul>	Deleted:
4.5 Local Government (Miscellaneous Provisions) Act 1982 – Section 29 – Notice to protect building not adequately secured	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Chief Officer (Environmental Health)</li> </ul>	Deleted: 5
4.6 To take the following action:-		
<u>The Housing Grants Construction and Regeneration Act 1996 as amended by Regulatory Reform Order</u>		
To approve or refuse applications for all types of housing financial assistance in accordance with the Council's Housing Renewal Policy	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Senior Environmental Health Officer</li> <li>To Executive Member if total housing financial assistance exceeds £20K</li> </ul>	Deleted:
To revise the amount of grant approved in the case of unforeseen works or where the actual cost of the works is less than the approved estimate	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)/ Chief Officer (Housing, Community Safety and Partnerships) / Senior Environmental Health Officer (in consultation with Executive Member where work value exceeds £20K but under £50K)</li> </ul>	Deleted:
To waive the requirements for two estimates in appropriate cases in accordance with the Council's Housing Renewal Policy	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)/ Chief Officer (Housing, Community Safety and Partnerships) (in consultation with Executive Member where work value exceeds £50K)</li> </ul>	Deleted:
Approval of all types of housing financial assistance which include the provision of dwellings by conversion or a reduction in the number of dwellings	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)/ Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Senior Environmental Health Officer</li> </ul>	Deleted:
To cancel any grant approval or to require the repayment of grant payments with or without interest in the case of grant conditions being breached	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)/ Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Deputy Chief Executive (Community</li> </ul>	Deleted:

Functions	Onward Limits of Delegation
4.7 Housing Act 1985 Cancellation of Demolition Orders and Closing Orders and acceptance of Undertakings under Part IV	Direction)/ Chief Officer (Housing, Community Safety and Partnerships) Chief Executive
4.8 Agree progress of the energy efficiency report as required under the Home Energy Conservation Act	Deleted: 8
4.9 To review any decision made under Part VI of the Housing Act 1996 (Sections 202 and 203), as amended, in relation to homelessness	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Appeals Panel</li> </ul> Deleted: 9
4.10 To review any decision made under Part VI of the Housing Act 1996 (Sections 160A and 167), as amended, in relation to Housing Allocations	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Chief Officer (Housing, Community Safety and Partnerships)</li> <li>Appeals Panel</li> </ul> Deleted: 10
4.11 To monitor affordable housing applications made through Section 106 of the Town and Country Planning Act 1990	<ul style="list-style-type: none"> <li>Executive Member / Deputy Chief Executive (Community Direction)</li> </ul> Deleted: 11
<b>5 Repairs and Maintenance</b>	
5.1 To carry out planned maintenance and improvements for homes to the Decent Homes Standard	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction). Housing Operations Manager</li> </ul> Deleted: 1
5.2 To deal with repair requests on a priority basis in accordance with the Council's policies	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction). Housing Operations Manager</li> </ul> Deleted: 2

## RURAL AFFAIRS PORTFOLIO

Functions	Onward Limits of Delegation
<b>Scope: Rural proofing of Council and community policies. Promoting rural interests and developing the rural economy</b>	<ul style="list-style-type: none"> <li>Operational management is to the Deputy Chief Executive</li> <li>Strategic overview Executive Member</li> </ul> Deleted: :
1 To ensure all policies and strategies of the Council address the needs of the Borough's rural areas	<ul style="list-style-type: none"> <li>Executive Member</li> </ul> Deleted: 1

Functions	Onward Limits of Delegation
2 To advise other bodies such as the Local Strategic Partnership, other public bodies and community and business organisations on addressing rural needs in their policies and activities	<ul style="list-style-type: none"> <li>Executive Member (Strategic) Deputy Chief Executive (Operational) Strategy and Regeneration Manager</li> </ul>
3 Work with the Economic Development Service of the County to promote the rural economy and interests of rural businesses	<ul style="list-style-type: none"> <li>Executive Member (Strategic)</li> <li>Deputy Chief Executive (Community Direction)</li> <li>Strategy and Regeneration Manager</li> </ul>
4 To promote the interests of excluded groups within rural communities such as youth and the elderly	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) / Executive Member</li> </ul>
5 To ensure rural concerns are properly represented within Community Safety	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>
6 To ensure the long term Transport policies of the Borough help to reduce rural isolation and exclusion	<ul style="list-style-type: none"> <li>Executive Member (Strategic)</li> <li>Deputy Chief Executive (Community Direction)</li> </ul>
7 To promote liaison and joint working with Town and Parish Councils, including development of charters and devolving of functions	<ul style="list-style-type: none"> <li>Executive Member (Strategic)</li> <li>Head of Paid Service</li> </ul>
8 To assess the needs of travellers and adequacy of site provision and to liaise with the travelling communities	<ul style="list-style-type: none"> <li>Strategic overview Executive Member</li> <li>Deputy Chief Executive (Community Direction)</li> </ul>
9 Obtain possession of land subject to unlawful occupation under s.77 and s.78 of the Criminal Justice and Public Order Act 1994 or to apply to the County Court or the High Court in relation to Council-owned land for a possession order and warrant	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) in consultation with Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>
10 Criminal Justice and Public Order Act 1994. To direct persons residing unlawfully in vehicles to leave land	<ul style="list-style-type: none"> <li>Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)</li> </ul>
11 East Midlands Regional Association Rural Policy 2003	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>

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## RECYCLING AND REFUSE PORTFOLIO

Functions	Onward Limits of Delegation
Scope: Recycling and Refuse Collection Service, Street Cleansing, public conveniences, private drain	<p>In all cases:</p> <ul style="list-style-type: none"> <li>Operational management to Deputy Chief Executive (Community Direction)</li> </ul>

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Functions	Onward Limits of Delegation
<p><b>service, grounds maintenance, land drainage and street furniture Sustainability (LA21), Environmental Health, Health Promotion, Licensing</b></p>	<ul style="list-style-type: none"> <li>• Strategic Director to Executive Member</li> </ul>
<p><b>1</b> Overall management of the Services, including contract management and/or operation of direct services:- Street Cleansing Recycling and Refuse Collection Pavement Weeds Street Furniture / Bus Shelter Cleaning (?) Private Drain Service Land Drainage Public Conveniences Neighbourhood Wardens</p>	<p style="text-align: right;">Deleted: 1</p>
<p><b>2</b> The following enforcement matters relating to these functions are delegated:-</p>	<p style="text-align: right;">Deleted: 2</p>
<p>(i) Power to serve Notices under Refuse Disposal (Amenity) Act 1978 and authorise the removal and disposal of abandoned vehicles and other refuse</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction). <i>Chief Officer (Business Contract and Streetscene Services)</i></li> <li>• Any officer authorised by Deputy Chief Executive (Community Direction)</li> </ul> <p style="text-align: right;">Deleted: )</p>
<p>(ii) To take action under the Council's Tidy Britain and other litter control initiatives</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction) in consultation with Executive Member</li> </ul> <p style="text-align: right;">Deleted: )</p>
<p>(iii) Notices under Section 46 of the Environmental Protection Act 1990 and Regulations regarding refuse containers</p>	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• <i>Chief Officer (Business Contract and Streetscene Services)</i></li> </ul> <p style="text-align: right;">Deleted: )</p>
<p>(iv) Environmental Protection Act 1990, Section 88 – Fixed Penalty Notice Section 92 – Litter Abatement Notices</p>	<ul style="list-style-type: none"> <li>• Any authorised officer to issue fixed penalty notice not further legal/default action</li> </ul> <p style="text-align: right;">Deleted: )</p> <p style="text-align: right;">Deleted: )</p>
<p>(v) Power to take action under Clean Neighbourhoods and Environment Act 2005</p>	<p>Deputy Chief Executive (Community Direction). <i>Any Officer authorised by Deputy Chief Executive (Community Direction)</i></p> <p style="text-align: right;">Deleted: )</p>
<p>(vi) Power to take action under Section 48, Anti Social Behaviour Act 2003 (graffiti)</p>	<p>Deputy Chief Executive (Community Direction). <i>Any Officer authorised by Deputy Chief Executive (Community Direction)</i></p> <p style="text-align: right;">Deleted: )</p>
<p><b>3 Grounds Maintenance</b></p>	<p>In all cases:</p> <p style="text-align: right;">Deleted: 3</p>
<p><b>3.1</b> To manage the Grounds Maintenance Services including contract management</p>	<ul style="list-style-type: none"> <li>• Operational Management to Deputy Chief Executive (Community Direction). <i>Chief Officer (Business Contract and Streetscene Services)</i></li> <li>• Strategic direction to Executive Member</li> </ul> <p style="text-align: right;">Deleted: 1</p>

Functions	Onward Limits of Delegation
<b>4 Fleet Management and Vehicle Maintenance</b>	
4.1 Management of the council's vehicle fleet for the acquisition and disposal of vehicles and for their maintenance	Deputy Chief Executive (Community Direction) in consultation with Executive Member <i>Chief Officer (Business Contract and Streetscene Services)</i>
4.2 Management of vehicle supply and maintenance contracts	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) in consultation with Executive Member</li> </ul>
4.3 To hold the Operators Licence on behalf of the Council and manage legal requirements which are conditional	<i>Chief Officer (Business Contract and Streetscene Services)</i>

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## ENVIRONMENTAL HEALTH PORTFOLIO

Functions	Onward Limits of Delegation
<b>5 Drainage and Sewerage</b>	
5.1 To oversee drainage matters generally within the Borough, including the liaison with Severn Trent Water plc on public sewers and Leicestershire County Council on highways drainage	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>
5.2 Responsibility for enforcement of the general drainage powers of the Land Drainage Act 1991, Section 14	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>
5.3 Section 22 of the Public Health Act 1961 in respect of clearing of drains	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> <li>Chief Officer (Environmental Health)</li> </ul>
<b>6 Sustainability</b>	
6.1 To be responsible for advising on the Council's approach to achieving sustainable development in the Borough	None
6.2 To prepare Environmental Indicators for the Borough and to monitor the overall state of the Borough's environment	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>
6.3 To monitor the Council's impact on the environment, maintain an internal environmental action plan and oversee	<ul style="list-style-type: none"> <li>Executive Member / Deputy Chief Executive (Community Direction)</li> </ul>

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Functions	Onward Limits of Delegation
<p>the development of an environmental management system</p> <p>6.4 To liaise with the local community and to advise on issues affecting sustainability within the Borough and on the corporate impact of the Council on the environment. Such advice to include energy conservation, purchasing waste, recycling, pollution, transport and landscaping and the undertaking of an environmental audit</p> <p>6.5 To prepare action plans based on recommendations from the internal environmental audits</p> <p>6.6 To promote Environmental awareness</p> <p>6.7 To promote the climate change agenda and manage the delivery of reductions in carbon emissions in Council owned property</p>	<ul style="list-style-type: none"> <li>• Executive Member / Deputy Chief Executive (Community Direction)</li> <li>• Executive Member / Deputy Chief Executive (Community Direction)</li> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Chief Officer (Environmental Health)</li> </ul>
<p><b>7 Environmental Health</b></p> <p>7.1 To guide in the overall management of the Council's services involved in the promotion of environment, health and public protection and to promote the awareness of environmental or health issues</p> <p>7.2 To exercise the powers and duties conferred on the Council in respect of the areas of public health and environmental issues including:  Animal health or welfare  Control of trading  Control of pollution of land, water and air  Noise abatement and control  Statutory nuisance and offensive trades  Community personal health, including communicable disease  Burial of the dead and the compulsory care of persons  Pest control  Water supplies  Private drainage systems  Home and Water Safety  Food control, including matters relating to the hygiene and fitness of food  Caravans and moveable dwellings</p> <p>7.3 Licensing, consents and registration</p>	<ul style="list-style-type: none"> <li>• Operational Management to Deputy Chief Executive (Community Direction) Environmental Health Manager (Commercial) &amp; Chief Officer (Environmental Health)</li> <li>• Strategic overview to Executive Member</li> <li>• Strategic overview to Executive Member</li> <li>• Operational Management to Deputy Chief Executive (Community Direction)</li> <li>• Deputy Chief Executive (Community Direction)</li> </ul>

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Functions	Onward Limits of Delegation
functions not being the responsibility of the Council	Direction) <ul style="list-style-type: none"> <li>• Chief Officer (Environmental Health)</li> <li>• Environmental Health Manager (Commercial)</li> </ul>
7.3.1 To set Hackney Carriage fees fares and other charges (Section 65 of Local Government (Miscellaneous Provisions) Act 1976	None <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 1</span>
7.3.2 Guard Dogs Act 1975 – Licensing, conditions, enforcement, transfer and revocation	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Environmental Health Manager (Commercial)</li> <li>• Chief Officer (Environmental Health)</li> </ul> <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 2</span>
7.3.3 Control of Pollution Act 1974 – Section 61 – Consent re: Construction Sites, conditions and enforcement	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> <li>• Chief Officer (Environmental Health)</li> </ul> <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 3</span>
7.4 Advice to Licensing Committee on licence conditions	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> </ul> <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 4</span>
7.5 Authorised officer under S149(1) Environmental Protection Act for Stray Dogs	<ul style="list-style-type: none"> <li>• Deputy Chief Executive (Community Direction)</li> </ul> <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 5</span>
7.6 Environmental Health and Pollution – Notices and Notifications:-	In all cases:- <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted: 6</span>
To serve the following notices or notifications and to undertake related enforcement and advice and to authorise prosecutions or works in default:	<ul style="list-style-type: none"> <li>• All functions to Deputy Chief Executive (Community Direction)</li> <li>• Environmental Health Manager (Commercial)</li> <li>• Chief Officer (Environmental Health)</li> </ul>
Public Health Act 1936: Section 45 – Defective sanitary convenience	Except where marked ++, where authority to serve notice is delegated to authorised officer where immediate action is required. <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Deleted:</span>
Section 50 – Overflowing or leaking cesspool	<ul style="list-style-type: none"> <li>• Authorise prosecutions Deputy Chief Executive (Community Direction) only in consultation with Executive Member</li> </ul> <span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Formatted: Indent: Left: 0 pt, Hanging: 18.6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: 18.6 pt, List tab + Not at 36 pt</span>
Section 83 – Filthy or verminous premises	
Section 79 – Removal of noxious matter	
Prevention of Damage by Pests Act 1949: Section 4 – Rodent infestation	<span style="float: right; border: 1px solid red; border-radius: 5px; padding: 2px;">Formatted: Indent: Left: 40.5 pt, First line: 1.5 pt</span>
Public Health Act 1961: Section 17 – Defective and obstructed drains	
Section 34 – Accumulations of rubbish	
Section 36 – Fumigation of premises	



Functions	Onward Limits of Delegation	
<p>Public Health (Control of Disease) Act 1984:  Section 31 – Disinfection of premises</p> <p>Control of Pollution Act 1974:  Section 16 – Removal of waste  Section 60 – Notice re: construction site noise  Section 80 – Information re: air pollution emissions</p> <p>Local Government (Miscellaneous Provisions) Act 1976:  Section 20 – Provision of sanitary accommodation  Section 35 – Obstructed drains</p> <p>Local Government (Miscellaneous Provisions) Act 1984:  Section 4 – Closing Order  Section 5 – Noting of Intent</p> <p>Building Act 1984:  Section 59 – Drainage of building  Section 60 – Ventilation of drains  Section 64 – Provision of closets  Section 65 – Provision of sanitary convenience in the workplace  Section 66 – Replacement of earth closets, etc.  Section 70 – Provision of food storage accommodation in homes  Section 76 – Defective premises  Section 79 – Ruinous &amp; Dilapidated Buildings</p>	<p style="text-align: center;">++</p>	<p>Formatted: Indent: Left: 40.5 pt, First line: 1.5 pt, Tabs: Not at 24 pt</p>
<p><b><u>Food Safety Powers</u></b></p>		<p>Formatted: Indent: Left: 4.5 pt, Tabs: 4.5 pt, Left + Not at 42 pt</p>
<p>Food Safety Act 1990 (as amended)  General enforcement and promotion of food hygiene</p>	<p style="text-align: center;">++</p>	<p>Formatted: Font: Bold</p> <p>Formatted: Font: Bold</p> <p>Formatted: Indent: Left: 4.5 pt, Tabs: Not at 42 pt</p> <p>Formatted: Indent: Left: 4.5 pt, Tabs: Not at 66 pt</p>
<p>Food safety powers originating from European Communities Act 1972</p>	<p>To Authorised Environmental Health Officers and Technical Officers under Regulations</p>	<p>Formatted: Indent: Left: 4.5 pt, Tabs: 4.5 pt, Left + Not at 42 pt</p>

Functions	Onward Limits of Delegation
<p>Any orders or regulations made under, relating to, or having effect by virtue of the European Communities Act 1972, including The Food Hygiene (England) Regulations 2006; and any modifications or re-enactment to the foregoing legislation. This includes improvement and Prohibition Notices</p> <p>The Trade in Animals and Related Products Regulations 2011 Animal by-products (enforcement) Regulations 2011</p> <p>The Official Feed and Food Control (England) Regulations 2009</p> <p>The Official Controls (Animal, Feed and Food) Regulations 2006</p>	<p>made under the Act ++</p> <p>To Authorised Environmental Health Officers and Technical Officers under Regulations made under the Act ++</p> <p>To authorised Environmental Health Officers and Technical Officers under regulations made under the Act</p>
<p>Home Office Circular <a href="#">30/2005</a> – cautioning of offenders</p>	
<p>Environmental Protection Act 1990: Sections 13 and 14 – Enforcement and Prohibition Notice Section 19 – Notice requiring information Section 59 – Removal of Controlled Waste Section 80 – Abatement Notice re: Statutory Nuisance</p>	<p>++ (including urgent default work needing to be done out of hours)</p>
<p>Noise &amp; Statutory Nuisances Act 1993: To serve notice for statutory nuisance To open or remove vehicle in default of notice</p>	<p>++ (including urgent default work needing to be done out of hours)</p>
<p>Refuse Disposal (Amenity) Act 1978: Section 6(2) – Removal &amp; disposal of abandoned refuse</p> <p>The Environmental Permitting (England &amp; Wales) Regulations 2010; <a href="#">Regulation 22 - Revocation</a> Regulation 36 – Enforcement Notice Regulation 37 – Suspension Notice Regulation 60 – Power to require the provision of information</p>	
<p><a href="#">7.6 Water Quality Powers</a> <a href="#">Private Water Supply Regulations 2009</a> <a href="#">Section 18 – service of notice on a private</a></p>	<p><a href="#">Deputy Chief Executive (Community Direction)</a></p>

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Deleted: Products of Animal Origin (Third Country Imports) (England) Regulations 2006; the Products of Animal Origin (Import & Export) Regulations 1996 (as amended)

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<p><u>supply of water intended for human consumption which constitutes a potential danger to human health</u></p> <p>Water Industry Act 1991:  Section 78 – Notification of Undertaker of insufficient and unwholesome supply or breach of statutory water quality  Section 79 – Notification to Undertaker of insufficient or unwholesome water and to require an alternative supply  Section 80 – Unwholesome or insufficient private water supply  Section 85 – To request information in respect of water supplies</p> <p>Environmental Protection Act 1990  Section 78 E(1) – Remediation Notice</p> <p>Dogs (Fouling of Land) Act 1996  Issuing fixed penalty notices</p>	<p><u>.Chief Officer (Environmental Health )</u>  <u>.Environmental Health Manager (Commercial).</u></p> <ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction) may also authorise employees of parish councils and Leicestershire County Council</li> </ul> <p>++ Authorised Officers</p>	<p>Formatted: Indent: Left: 4.5 pt, Tabs: 4.5 pt, Left + Not at 42 pt</p> <p>Formatted: Indent: Left: 33 pt, Tabs: 99 pt, Left + Not at 126 pt</p> <p>Formatted: Indent: Left: 4.5 pt, Tabs: 4.5 pt, Left + Not at 42 pt</p> <p>Formatted: Indent: Left: 72 pt, First line: 0 pt</p> <p>Formatted: Indent: Hanging: 19.5 pt</p> <p>Formatted: Indent: Hanging: 24 pt</p> <p>Formatted: Font: Bold</p> <p>Formatted: Indent: Left: 4.5 pt, First line: 0 pt, Tabs: 4.5 pt, Left + Not at 24 pt</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<p><b>Health &amp; Safety at Work Functions</b></p>		
<p><u>Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 of the Health and Safety at Work Etc Act 1974 relating to enforcement duties and not in the Authority's capacity as an employer</u></p>	<ul style="list-style-type: none"> <li><u>Qualified Environmental Health and Technical Officers</u></li> </ul>	<p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li><u>Power of entry and to authorise entry for persons accompanying Health and Safety Inspector (Section 20)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Delegate to all inspectors appointed under Section 19 HSatWA</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li><u>Improvement notices (Section 21)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Delegated to all inspectors appointed under Section 19, except legal/default action</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li><u>Prohibition notices (Section 22)</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Delegated to all Environmental Health Officers appointed under Section 19, except legal/default action</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li><u>Transfer and assignment of premises under the Health and Safety (Enforcement Authority) Regulations 1987</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Delegated to Deputy Chief Executive (Community Direction)/Environmental Health Manager (Commercial)</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li><u>Power to appoint persons other than</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Delegated to Deputy Chief Executive</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted Table</p>

Council Officers (Section 19)

- Regulation 7(1) Plant Protection Product Regulations 2011 enabling officers to enforce powers in schedule 1 and to Regulation 20(1) Plant Protection Products (Sustainable Use) Regulations 2012, enabling officers to enforce powers in Schedule 3 concerning the marketing and use of pesticide products

(Community Direction)/Environmental Health Manager (Commercial)

- Environmental Health & Technical Officers

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<ul style="list-style-type: none"> <li>• <u>Powers contained in the Health Act 2006 in relation to Smoke Free legislation, including the authority to delegate functions contained in</u></li> </ul>		<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<ul style="list-style-type: none"> <li>• <u>The Smoke Free (Premises and Enforcement) Regulations</u></li> <li>• <u>The Smoke Free (Signs) Regulations</u></li> <li>• <u>The Smoke Free (Penalties and discounted Amounts ) Regulations</u></li> <li>• <u>The Smoke Free (Vehicle Operators and Penalty Notices) Regulations</u></li> <li>• <u>To suitably qualified Officers</u></li> </ul> <p><u>The Sunbeds (Regulation) Act 2010</u></p> <p><u>Section 7 Authorisation of officers to carry out the functions and powers contained in the Act</u></p> <ul style="list-style-type: none"> <li>• <u>Health Protection Functions</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Delegated to Deputy Chief Executive (Community Direction)</u></li> <li>• <u>Environmental Health Manager (Commercial)</u></li> </ul> <p><u>Deputy Chief Executive (Community Direction) ,Chief Officer (Environmental Health ) ,Environmental Health Manager (Commercial).</u></p> <ul style="list-style-type: none"> <li>• <u>The CCDC, where nominated below, shall be the Consultant in Communicable Disease Control for East Midlands South region as designated by the Health Protection Agency's East Midlands region Health Protection Unit or by any successor agency or unit. In the CCDC's absence ,any equivalently medically qualified officer as designated by the Health Protection Agency's East Midlands region Health Protection Unit, or by any successor agency or unit.</u></li> </ul>	<p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted: Indent: Left: 4.15 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p> <p>Formatted Table</p> <p>Formatted: Indent: Left: 6 pt, Bulleted + Level: 1 + Aligned at: 18 pt + Tab after: 36 pt + Indent at: 36 pt, Tabs: Not at 36 pt</p>
<p><u>Public Health (Control of Disease) Act 1984 as amended:</u></p> <p><u>Appointment of Proper Officers for the purposes of the Act</u></p> <p><u>Section 46 Disposal of dead bodies (Welfare Funerals)</u></p> <p><u>Section 48 Certification for removal of bodies to mortuary or for burial</u></p> <p><u>Section 50 Authorisation of Officers and power to enter and inspect canal boats</u></p> <p><u>Section 51 Preventing spread of infectious diseases on canal boats</u></p> <p><u>Section 61 Power to enter premises for health protection purposes</u></p>	<p><u>Deputy Chief Executive (Community Direction)</u></p> <p><u>Chief Officer (Environmental Health ) , Environmental Health Manger (Commercial)</u></p> <p><u>CCDC</u></p> <p><u>Chief Officer (Environmental Health ) ,Environmental Health Manager (Commercial)</u></p> <p><u>Chief Officer (Environmental Health ) ,Environmental Health Manager (Commercial)</u></p> <p><u>CCDC ,Chief Officer (Environmental Health ) ,Environmental Health Manager (Commercial)</u></p>	

<u>Section 62 Supplementary powers of entry</u>	<u>CCDC ,Chief Officer (Environmental Health ),Environmental Health Manager (Commercial)</u>
<u>National Assistance Act 1948 as amended:</u>	
<u>Section 47 Removal to suitable premises of persons in need of care and attention</u>	<u>CCDC</u>
<u>The Health Protection (Local Authority Powers ) Regulations</u>	
<u>Section 2 Requirement to keep a child away from school</u>	<u>CCDC , Chief Officer (Environmental Health ) ,Environmental Health Manager (Commercial) ,Environmental Health Officers</u>
<u>Section 3 Requirement to provide details of children attending school</u>	
<u>Section 4 Disinfection or decontamination of things on request of the owner</u>	
<u>Section 5 Disinfection or decontamination of things on request of the person with custody or control.</u>	
<u>Section 6 Disinfection or decontamination of premises on request of the owner.</u>	
<u>Section 7 Disinfection or decontamination of premises on request of the tenant</u>	
<u>Section 8 Requests for cooperation for health protection purposes.</u>	
<u>Section 9 Restriction of contact with dead bodies</u>	
<u>Section 10 Restriction of access to dead bodies.</u>	
<u>Section 11 Relocation of dead bodies.</u>	
<u>The Health Protection (Notification ) Regulations 2010</u>	
<u>Section 2 Duty to notify disease, infection or contamination in patients.</u>	<u>CCDC</u>
<u>Section 3 Duty to notify disease, infection or contamination in dead persons</u>	
<u>Section 6 Duty on the local authority to disclose notifications to others</u>	
<u>Health Protection (Part 2A Orders) Regulations 2010:</u>	
<u>Section 7 Discretionary power to charge in connection with Part 2A Orders in relation to things and premises</u>	<u>Chief Officer (Environmental Health),Environmental Health Manager (Commercial) ,Environmental Health Officers</u>

<b>8 Personal Health</b>		Deleted: 8
8.1 To work with partner organisations to improve the health of all people in the Borough	<ul style="list-style-type: none"> <li>Executive Member</li> <li>Operational management to Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 1
8.2 To implement a GP referral scheme	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 2
8.3 To improve access to services which can contribute to health	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Deleted: 3
8.4 To support in partnership a Domestic Violence Refuge	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 4
8.5 To promote health living	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 5
<b>9 Regulation of Sunday Trading</b>		
9.1 Enforcement under Section 7	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>	Deleted: 1
<b>10 Car Parking</b>		
10.1 To recommend policy in relation to off-street car parking and to liaise about on-street car parking	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational management to Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 1
10.2 To be responsible for the provision of and policies relating to the management of car parks within the Borough		Deleted: 2

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## GREEN SPACES PORTFOLIO

Functions	Onward Limits of Delegation	
<b>9 Parks</b>	In all cases: Strategic overview to Executive Member	Deleted: 9
9.1 To progress and monitor implementation of any improvement scheme within approved budget	<ul style="list-style-type: none"> <li>To Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 1
9.2 To agree design briefs	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>	Deleted: 2
9.3 To promote cultural, social and commercial use of the park	None	Deleted: 3
9.4 To supervise and control expenditure and income within the approved budget	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Green Spaces Manager</li> </ul>	Deleted: 4

Functions	Onward Limits of Delegation	
<b>10 Cemeteries</b>		Deleted: 10
10.1 To manage the cemetery services	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Green Spaces Manager</li> </ul>	Deleted: 1
<b>11 Regulation of Sunday Trading</b>		Deleted: 11
11.1 Enforcement under Section 7	<ul style="list-style-type: none"> <li>Deputy Chief Executive (Community Direction)</li> <li>Environmental Health Manager (Commercial)</li> </ul>	Deleted: 1
<b>12 Car Parking</b>		Deleted: 12
12.1 To recommend policy in relation to off-street car parking and to liaise about on-street car parking	<ul style="list-style-type: none"> <li>Executive Member</li> </ul>	Deleted: 1
12.2 To be responsible for the provision of and policies relating to the management of car parks within the Borough	<ul style="list-style-type: none"> <li>Strategic overview to Executive Member</li> <li>Operational management to Deputy Chief Executive (Community Direction)</li> </ul>	Deleted: 2



# PART 4

## Council Procedure Rules

### CONTENTS

#### Rule

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitutes & right to attend meetings
5. Time and place of meetings
6. Notice of and summons to meetings
7. Chair of meeting
8. Quorum
9. Duration of meeting
10. Questions & Petitions by the public
11. Questions by Members
12. Position Statements
13. Motions on notice & other Items raised by Members
14. Motions without notice
15. Rules of debate
16. Council Forum Debates & Portfolio Reports
17. Previous decisions and motions
18. Voting
19. Minutes
20. Record of attendance
21. Exclusion of public
22. Members' conduct
23. Disturbance by public
24. Interpretation of Rules of Procedure
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26. Application to Committees and sub-Committees
27. Speaking by the Public on Planning Applications
28. Planning Committee Procedure

## 1. ANNUAL MEETING OF THE COUNCIL

### 1.1 Timing and business

When there is a Borough Council election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors.

In any other year, the annual meeting will take place on 14<sup>th</sup> May or on the following Tuesday. In exceptional circumstances (as determined by the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards), the annual meeting may be held on any day during March, April or May.

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The annual meeting will:

- i) elect a person to preside if the Mayor or Deputy Mayor is not present;
- ii) elect the Mayor of Council;
- iii) elect the Deputy Mayor of Council;
- iv) approve the minutes of the last meeting of the Council;
- v) receive any announcements from the Mayor and/or Head of the Paid Service;
- vi) elect the Leader of Council (Election year only);
- vii) appoint the Scrutiny Commission and Finance, Audit & Performance Committee, an Ethical Governance & Personnel Committee, the Planning Committee, the Regulatory Committee, the Licensing Committee, Emergency Committee, the Appeals Panel and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Executive functions (as set out in Part 3, of this Constitution);
- viii) consider any business set out in the notice convening the meeting.

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### 1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the Council meeting will:

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

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## 2. ORDINARY (BUSINESS) MEETINGS & FORUM MEETINGS

### 2.1 Ordinary (Business) Meetings

Ordinary (business) meetings of the Council will take place in accordance with a programme decided by the Council. Ordinary (business) meetings will:

- (a) elect a person to preside if the Mayor and Deputy Mayor are not present, and elect a temporary vice-chairman for the meeting if appropriate;
- (b) approve the minutes of the last meeting;
- (c) receive any declarations of interest from Members;
- (d) receive any announcements from the Mayor
- (e) receive the Leaders Position Statement
- (f) consider minutes on the activities of the Scrutiny Commission
- (g) Consider reports from Officers with recommendations
- (h) consider motions, questions and other items of business; and
- (i) consider any other business specified in the summons to the meeting, and consider any other item of business not specified in the summons which the person presiding decides by reason of special circumstances should be considered as a

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matter of urgency at the meeting. The reason for the special circumstances must be put into writing and signed by the person presiding and then specified in the minutes.

## 2.2 Forum Debates

Meetings for forum debates may also be called on a regular basis to debate topics agreed in advance by the Council and consider any reports of Executive Members and of the Chair of the Scrutiny Commission or Finance, Audit & Performance Committee. These forum debates will not be decision-making, and these Rules (except as set out in Rule 16.7) will not apply to such meetings.

## 3. EXTRAORDINARY MEETINGS

### 3.1 Calling extraordinary meetings

The Proper Officer may, and shall on the written request of any of those listed below, call a Council meeting in addition to ordinary meetings:

Those who are entitled to request the Proper Officer to call an extraordinary meeting are:

- (a) the Council by resolution;
- (b) the Mayor;
- (c) the Monitoring Officer;
- (d) the Chief Executive; or
- (e) any five Members of the Council if they have signed a requisition presented to the Mayor and he/she has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

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- 3.2 The business that can be conducted at an extraordinary meeting is restricted to items which were specified in the requisition and notice.

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## 4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES & RIGHT TO ATTEND MEETINGS

### 4.1 Allocation

All Members of the Council who are not Members of the Executive will, subject to the remainder of this rule, be deemed to have been appointed at the annual meeting each year (unless the annual meeting resolves to the contrary) as substitute Members for any other Member of their political group on the Scrutiny Commission or any Committee, sub-Committee or other working group during the ensuing municipal year.

There will be no substitutes appointed to the Executive, and Members of the Executive may not be appointed as substitute for any other Member of the Council except as a substitute for another Executive Member at the planning Committee.

Only Members appointed to the pool of Appeals Panel Members may act as substitutes at any Appeal Panel hearing. Only members of the Licensing Committee may sit on or act as substitutes at any Licensing hearing. There are no substitutes to the Ethical Governance & Personnel Committee.

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Where Executive Members are members of a Council Committee (not the Scrutiny Commission or Finance, Audit & Performance Committee) a member of their political group, whether or not an Executive Member may substitute for them on that Committee.

### 4.2 Powers and duties

Substitute Members will have all the powers and duties of any ordinary Member of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

#### 4.3 Substitution

Substitute Members may attend meetings in that capacity only:

- (a) to take the place of the ordinary Member for whom they are the designated substitute;
- (b) where the ordinary Member will be absent for the whole of the meeting; and
- (c) after notifying the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) by 4:00 pm on the day of the meeting of the intended substitution (or at least 2 hours before the meeting, if the meeting is earlier than 6:00 pm).

If the ordinary member is not absent for the whole meeting, the substitute member may not attend in that capacity. This does not take away that Member's right to attend in any other capacity allowed under 4.4 below.

#### 4.4 Right to attend meetings

Any Member may be present at a meeting of the Executive, the Scrutiny Commission or of any Committee or sub-Committee, other than the Appeals Panel, but unless he/she is an appointed Member or a substitute Member of that body he/she will not be entitled to vote on any matter nor (except with the permission of the person presiding) take part in discussion on any matter.

However, any Member who moved a motion or submitted a petition which has been referred to any such body will be allowed to attend the meeting at which the motion or petition is to be considered and will have the opportunity to explain it.

These rights to attend and/or participate are subject to the overriding requirements of the Constitution and in particular to the rules on attendance/participation set out in the Members' Code of Conduct.

### 5. TIME AND PLACE OF MEETINGS

The time and place of meetings will be determined by the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) and notified in the summons.

### 6. NOTICE OF AND SUMMONS TO MEETINGS

The Democratic Services Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Rules. At least five clear working days before a meeting (or as soon as practicable, if the meeting is called at shorter notice), the Democratic Services Officer will send a summons signed by him or her to every Member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Subject to the remainder of these rules, items of business will be set out in the agenda as the Democratic Services Officer considers most appropriate for the effective and proper consideration of business.

### 7. CHAIR OF MEETING

The person presiding at the meeting may exercise any power or duty of the chairman. If it is necessary to choose a Member of the Council to preside in the absence of the appointed chairman or vice-chairman (or Mayor or Deputy Mayor in respect of the Council itself), the proper Officer shall call on a Member of the Council to move that a Member of the Council named by that Member shall take the chair. If discussion arises

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on that motion, the Proper Officer shall exercise the powers of the person presiding to regulate that discussion and to maintain order at the meeting. The motion and any amendments will be put to the meeting in accordance with the procedures below.

## 8. QUORUM

The quorum of a meeting will be one quarter of the whole number of voting Members, or 3 voting Members (whichever is greater). During any meeting if the chairman or Proper Officer counts the number of Members present and declares there is not a quorum present, then the meeting will adjourn immediately for fifteen minutes. If after fifteen minutes there is still not a quorum present, the meeting shall stand adjourned to a time and date fixed by the chairman, at which the remaining business will be considered. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

## 9. DURATION OF MEETING

Unless the majority of Members present vote for the meeting to continue, any meeting that has lasted for 3 hours or which has continued until 9:30 pm (whichever is sooner) will adjourn immediately. Remaining business will be considered at a time and date fixed by the chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting. If the meeting is allowed to continue, a further vote must be taken at hourly intervals or at the expiry of the time proposed (whichever is the shorter).

## 10. QUESTIONS & PETITIONS BY THE PUBLIC

### 10.1 General

Members of the public may ask questions:

- (a) of Members of the Executive (the relevant Executive Member or the Leader) at meetings of the Executive;
- (b) of the chairman of the Scrutiny Commission or the Finance, Audit & Performance Committee, at meetings of these bodies;
- (c) of the chairman of any Committee or sub-Committee at any meeting of that body.

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### 10.2 Order of questions by the public

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

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### 10.3 Notice of questions by the public

A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) via the Democratic Services Officer no later than midday 5 working days before the day of the meeting. Each question must give the name and address of the questioner and must clearly identify the Member of the Council to whom it is to be put.

### 10.4 Number of questions by a member of the public

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

### 10.5 Scope of questions

The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) may reject a proposed question if it:

- is not about a matter for which the local authority has a responsibility or which affects the borough;
- is defamatory, frivolous or offensive;
- is substantially the same as a question or motion which has, in the past six months, been put at a meeting of the Executive, the Scrutiny Commission, any Committee or sub-Committee;
- requires the disclosure of confidential or exempt information;
- relates to a planning application or any matter of a personal nature;
- discloses no question.

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#### 10.6 Record of questions

The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) will enter each question in a register open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members present at the meeting and will be made available to the public attending the meeting.

#### 10.7 Asking the question at the meeting

The chairman of the meeting will invite the questioner to put the question to the Member named in the notice. If a questioner who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the questioner's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### 10.8 Response

An answer may take the form of:

- (a) a direct verbal answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given verbally, a written answer circulated as soon as reasonably practicable to the questioner and circulated to any relevant member.

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

#### 10.9 Supplementary question

A member of the public asking a question may ask one supplementary question without notice to the Member to whom the question was asked. The supplementary question must arise directly out of the original question or the reply. The Member to whom the supplementary question is asked may deal with it in accordance with rule 10.8 above.

#### 10.10 Time for public' questions (THIS APPLIES TO EXECUTIVE AND COMMITTEES ONLY)

The period allowed for putting questions shall be fifteen minutes in total, commencing immediately following the confirmation of the minutes of the previous meeting. The total time may be extended if a majority of Members present agree.

#### 10.11 **Petitions**

Petitions will be dealt with in accordance with the Petitions Scheme attached at Part 10.

### 11. **QUESTIONS BY MEMBERS**

#### 11.1 **Questions on notice at full Council**

Subject to Rule 11.3, a Member of the Council may at a meeting of Council ask:

- a) the Mayor;
- b) a Member of the Executive (the relevant Executive Member or the Leader);
- c) the chairman of the Scrutiny Commission or any Committee

a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Hinckley & Bosworth.

#### 11.2 **Questions on notice at Committees and sub-Committees**

Subject to Rule 11.3, a Member of a Committee or sub-Committee may ask the chairman of it a question on any matter in relation to which the Council has powers or duties or which affects the Borough of Hinckley & Bosworth, and which falls within the terms of reference of that Committee or sub-Committee.

#### 11.3 **Notice of questions**

A Member may only ask a question under Rule 11.1, 11.2 if either:

- (a) notice has been given by delivering it in writing fax or by electronic mail to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) no later than midday 5 clear working days before the day of the meeting; or
- (b) the question relates to urgent matters, they have the consent of the chairman, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) and of the person to whom the question is to be put and the content of the question is delivered in writing fax or by electronic mail to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) by 12 noon on the day of the meeting (or at least 4 hours before the meeting, if the meeting starts before 2:00 pm).

Each question must give the name of the questioner and must clearly identify the Member of the Council to whom it is to be put.

#### 11.4 **Order of questions**

Questions will be asked in the order that notice of them was given, except that the person presiding may group together similar questions.

#### 11.5 **Number of questions**

At one meeting no Member may ask more than three questions (excluding supplementary questions in accordance with rule 11.11 below).

#### 11.6 **Scope of questions**

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The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) may reject a proposed question if it:

- \_\_\_ is not about a matter for which the local authority has a responsibility or which affects the borough;
- \_\_\_ is defamatory, frivolous or offensive;
- \_\_\_ is substantially the same as a question or motion which has, in the past six months, been put at a meeting of the Council, the Executive, the Scrutiny Commission, of any Committee or sub-Committee.
- \_\_\_ relates to a planning application or any matter of a personal nature
- \_\_\_ discloses no question

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Any question the response to which requires the disclosure of confidential or exempt information (and which has not otherwise been excluded under these rules) will be placed on the agenda as the first item of the confidential part of the agenda or, if no other confidential items are due to be discussed, at the end of the agenda.

#### 11.7 Record of questions

The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) will enter each question in a register open to public inspection and will immediately send a copy of the question to the Member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be circulated to all Members present at the meeting and will be made available to the public attending the meeting.

#### 11.8 Asking the question at the meeting

The chairman of the meeting will invite the questioner to put the question to the Member named in the notice. If a Member who has submitted a written question is unable to be present, they may ask the chairman to put the question on their behalf. The chairman may ask the question on the Member's behalf, indicate that a written reply will be given or decide, in the absence of the questioner, that the question will not be dealt with.

#### 11.9 Response

An answer may take the form of:

- (a) a direct verbal answer;
- (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- (c) where the reply cannot conveniently be given verbally, a written answer will be circulated as soon as reasonably practicable to the questioner and any other relevant member.

#### 11.10 Reference of question to the Executive or a Committee

Any Member may move that a matter raised by a question be referred to the Executive, the Scrutiny Commission or the appropriate Committee or sub-Committee. Once seconded, such a motion will be voted on without discussion.

#### 11.11 Supplementary question

A Member asking a question under Rule 11.11, 11.2 may ask one supplementary question for each question originally raised without notice of the Member to whom the original question was asked. The supplemental question must arise directly out of the original question or the reply. And not comprise solely of a statement.



## 12. POSITION STATEMENTS

- 12.1 A Position Statement may be presented to each ordinary meeting of the Council by the Leader in such form as the person presenting the position may determine and should not exceed ten minutes.
- 12.2 A Position Statement may be followed by a question or comment on that statement by the Opposition Group Leader, followed by an individual Member (to be called from the political groups alternately) - no motion or amendment shall be moved during that discussion.
- 12.3 The total discussion of any Position Statement shall not exceed twenty minutes but the Chairman may permit an extension of such length considered appropriate.

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## 13. MOTIONS ON NOTICE & OTHER ITEMS RAISED BY MEMBERS

### 13.1 Notice

Except for motions which can be moved without notice under Rule 13, written notice of every motion or other item of business raised by a Member, signed by at least one Member, must be delivered to the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) not later than 12 noon 7 clear working days before the date of the meeting. No Member may give notice of more than three motions or questions (3 in total) for consideration at any Council meeting. All motions received will be entered in a book open to public inspection.

### 13.2 Motion/Item set out in agenda

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

### 13.3 Amendments to printed motions

These must be notified to the Monitoring Officer by 5 p.m. on the day of the meeting.

### 13.4 Scope

Motions and items must be about matters for which the Council has a responsibility or which affects directly or indirectly residents or business in the Borough of Hinckley & Bosworth.

The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) may reject a proposed motion if it:

- is defamatory, frivolous or offensive;
- relates to a planning application or any matter of a personal nature
- is substantially the same as a motion which has, in the past six months, been put at a meeting of the Council.

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## 14. MOTIONS WITHOUT NOTICE

The following motions may be moved without notice:

- (a) to appoint a chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business in the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a Committee or Member arising from an item on the summons for the meeting;

- (f) to receive reports and/or adopt recommendations of Committees or Officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business with the consent of 2/3rds of those present;
- (j) that the question be now put with the consent of 2/3rds of those present;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that a meeting which has lasted for 3 hours or which has continued until 9:30 pm (whichever is sooner) be allowed to continue, or that a meeting which has already been allowed to continue in this way should be further extended in accordance with rule 9;
- (n) to suspend a particular Council procedure rule;
- (o) to exclude the public and press in accordance with the Access to Information Rules;
- (p) to not hear further a Member named under Rule 21.3 or to exclude them from the meeting under Rule 21.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

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## 15. RULES OF DEBATE

### 15.1 No speeches until motion seconded

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

### 15.2 Right to require motion in writing

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

### 15.3 Seconded's speech

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

### 15.4 Content and length of speeches

Speeches must be directed to the motion under discussion or to a personal explanation or point of order. Except with the consent of the Council (signified without comment), the proposer of a motion may not speak for more than five minutes and no other speaker may speak for more than five minutes, although the nominated spokesperson for any opposition party may speak for a period not exceeding fifteen minutes on the adoption of the budget.

### 15.5 When a Member may speak again

A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except (and for no more than three minutes):

- (a) to speak once on an amendment moved by another Member;
- (b) to move a further amendment if the motion has been amended since he/she last spoke;
- (c) if his/her first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which he/she spoke was carried);

- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.

#### 15.6 Amendments to motions

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

as long as the effect does not constitute a complete rewording of the original motion or to negate the motion unless permission is given by the mover of the motion
- (b) Significant amendments to a written/printed motion must be notified to the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) by 5.00pm on the day of the Meeting. This does not prevent amendments being proposed in the course of normal debate.
- (c) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (d) If an amendment is not carried, other amendments to the original motion may be moved.
- (e) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (f) After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.

#### 15.7 Alteration of motion by the mover of the motion

- (a) A Member may alter a motion of which he/she has given notice (but not yet moved) with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A Member may alter a motion which he/she has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

#### 15.8 Withdrawal of motion by the mover of the motion

A Member may withdraw a motion which he/she has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

#### 15.9 Right of reply

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.

- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on his or her amendment.

**15.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business with the consent of two-thirds of those present;
- (d) that the question be now put with the consent of two-thirds of those present;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) that a meeting which has lasted for three hours or which has continued until 9:30 pm (whichever is sooner) be allowed to continue, or that a meeting which has already been allowed to continue in this way should be further extended in accordance with rule 9;
- (h) to exclude the public and press in accordance with the Access to Information Rules; and
- (i) to not hear further a Member named under Rule 22.3 or to exclude them from the meeting under Rule 22.4.

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**15.11 Closure motions**

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

**15.12 Point of order**

A Member may raise a point of order at any time. The chairman will hear them immediately. A point of order may only relate to an alleged breach of these Council Rules of Procedure or the law. The Member must indicate the rule or law and the way in which he/she considers it has been broken. The ruling of the chairman on the matter will be final.

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**15.13 Personal explanation**

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

## **16. COUNCIL FORUM DEBATES & EXECUTIVE MEMBER REPORTS**

### **16.1 Calling of Council Forum debate**

The Council will set the dates of Council Forum debates, with topics to be agreed by the Council (or by the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) in consultation with the Mayor and Group Leaders) at least 8 weeks in advance of the date of each debate.

### **16.2 Form of Council Forum debates**

The Council Forum debates will be in the form agreed by the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards), after consultation with the Mayor and Group Leaders, with the aim of enabling the widest possible publicity and councillor participation. This may include holding workshops and other events prior to or during the Council Forum debate.

### **16.3 Chairing of Council Forum debates**

The debates will be chaired by the Mayor.

### **16.4 Results of Council Forum debates**

The results of the debate will be:

- (i) disseminated as widely as possible within the community and to agencies and organisations in the area; and
- (ii) taken into account in considering the budget and policy framework

### **16.5 Application of Council Procedure Rules**

As Council Forum debates are not decision-making, the only Council Procedure Rules to apply to such debates are Rules 5-9, 11.3, 11.4, 11.6-11.9, 15, 17.1, 17.2 and 19-22.

## **17. PREVIOUS DECISIONS AND MOTIONS**

### **17.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least eight Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

### **17.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least eight Members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

## **18. VOTING**

### **18.1 Majority**

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

#### 18.2 **Chairman's casting vote**

If there are equal numbers of votes for and against, the chairman will have a second or casting vote. There will be no restriction on how the chairman chooses to exercise a casting vote. In the event that the chairman declines to exercise a second or casting vote, the motion is defeated, having failed to obtain the support of the majority of those present and voting.

#### 18.3 **Means of Voting**

Unless a ballot or recorded vote is demanded under Rules 18.4 and 18.5, the chairman will take the vote by show of hands (or by electronic means, if installed), or if there is no dissent, by the affirmation of the meeting. A Member who has been absent from the meeting for part or all of an item is not permitted to vote on that item.

#### 18.4 **Recorded vote**

If, before a vote is taken on any question, the relevant number of Members call for the voting on that question to be recorded, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes. The relevant number of Members is five in respect of Council meetings and three in the case of any other meeting.

In the case of the Planning Committee when a decision is likely to be taken contrary to an Officer's recommendation (either for approval or refusal), the Deputy Chief Executive (Community Direction) may request the Chairman to conduct a recorded vote.

#### 18.5 **Right to require individual vote to be recorded**

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

#### 18.6 **Voting on appointments**

If there are more than two people nominated for any position to be filled, the names of all those nominated shall be put to the meeting in alphabetical order of surname. Those entitled to vote shall vote for only one person. If there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

### 19. **MINUTES**

#### 19.1 **Signing the minutes**

The chairman will sign the minutes of the proceedings at the next business meeting, on their being, moved, seconded and approved. The only part of the minutes that can be discussed is their accuracy.

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

the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes. [The wording of this rule is prescribed by law. In effect, minutes are not signed at an extraordinary meeting but are held over until the next ordinary business meeting].

### 19.3 **Form of minutes**

Minutes will contain all motions and amendments in the exact form and order in which the chairman put them.

## 20. **RECORD OF ATTENDANCE**

All Members present during the whole or part of a meeting will be recorded as present in the minutes. Where Members arrive after the start of the meeting or leave before the end, the times of this will be recorded in the minutes, otherwise temporary absence from the meeting will only be recorded if the Member was absent when a vote was taken.

**Deleted:** must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance

**Deleted:** Where a Member has been present for part but not all of the meeting, the minutes will record the times at which they have entered and left the meeting.

## 21. **EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Rules in Part 4 of this Constitution or Rule 22 (Disturbance by Public).

## 22. **MEMBERS' CONDUCT**

### 22.1 **Permission to speak**

When a Member speaks they must address the meeting through the chairman. If more than one Member offers to speak, the chairman will ask one to speak and the others must remain silent. Other Members must remain silent whilst a Member is speaking unless they wish to make a point of order or a point of personal explanation.

### 22.2 **Mayor standing (Council only)**

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

### 22.3 **Member not to be heard further**

If at any meeting a Member persistently disregards the ruling of the chairman by behaving improperly or offensively or deliberately obstructs business, the chairman may move that the Member be not heard further. If seconded, the motion will be voted on without discussion.

### 22.4 **Member to leave the meeting**

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

### 22.5 **General disturbance**

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary and may reconvene the meeting at a different location if he/she thinks necessary.

### 22.6 **Other legal powers**

The powers conferred by this rule are in addition to any other powers legally available.

**23. DISTURBANCE BY PUBLIC**

**23.1 Removal of Member of the public**

If a Member of the public interrupts proceedings, the chairman will warn the person concerned. If they continue to interrupt, the chairman will order their removal from the meeting room.

**23.2 Clearance of part of meeting room**

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

**23.3 General disturbance**

If there is a general disturbance making orderly business impossible, the chairman may adjourn the meeting for as long as he/she thinks necessary and may reconvene the meeting at a different location if he/she thinks necessary.

**23.4 Other legal powers**

The powers conferred by this rule are in addition to any other powers legally available.

**24. INTERPRETATION OF RULES OF PROCEDURE**

24.1 The ruling of the Mayor (or Chairman) as to the construction or application of any of these Rules of Procedure, or as to any proceedings of the Council, shall not be challenged at any meetings of the Council.

**25. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

**25.1 Suspension**

All of these Council Rules of Procedure except Rule 17.2, 17.6 and 18.2 may be suspended by motion on notice, or on motion without notice if at least one half of the whole number of Members of the Council are present. Suspension can only be for the duration of the meeting.

**25.2 Amendment**

Except where it is in accordance with a written recommendation of the Monitoring Officer or [Ethical Governance & Personnel Committee](#), any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council (at which it must be accompanied by a written recommendation of the Monitoring Officer).

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**26. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Council Rules of Procedure apply to ordinary/extraordinary business meetings of full Council. None of the rules applies to meetings of the Executive, except as set out in the Executive Procedure Rules. Rules 4-14, 16-24 apply to meetings of the Scrutiny Commission, Finance, Audit & Performance Committee and other Committees and sub-Committees.

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**27. SPEAKING BY THE PUBLIC ON PLANNING APPLICATIONS**



27.1 Council may determine that both objectors and applicants (or their nominated agent) may speak at Planning Committee, on planning applications which are before the Committee for determination, with the exception of those:

- i) Where ~~a body~~ directs refusal
- ii) Where the Borough Council is a consultee only

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27.2 The Council may determine the following arrangements apply for a temporary period or permanently.

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27.3 Speaking at meetings of the Planning Committee is limited to:

- a) an objector to a planning application where:
  - i) The objector has made a written comment on the application
  - ii) The grounds of objection raise material planning consideration.
  - iii) The objector has given notice of a wish to speak.
- b) a supporter of a planning application.
- c) an applicant (or agent appointed to act on their behalf);
- e) a county councillor for the relevant division.

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Deleted: d) a representative of a parish council which has commented on the application;¶

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where more than one objector wishes to address the meeting the speakers should choose one spokesperson. If no agreement is reached, more than one objector may speak but the maximum time allowed for all objectors will be five minutes.

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27.4 Speaking will be allowed only if the planning application is one which is reported to a meeting of the Planning Committee for them to determine, on the basis that it is not delegated for a decision at officer level.

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27.5 Anyone wishing to speak will need to confirm his or her intention with Democratic Services in writing, or by fax, telephone or email, not later than 4.00 p.m. on the Friday before the Committee meeting. No requests to speak will be taken until the agenda has been published on the public website (ie a week before the meeting).

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27.6 The following arrangements will apply:

- a) Speakers are each allowed a maximum of 3 minutes in which to address the Committee. Where more than one objector has made a request to speak, they will be provided with details of the other objectors in order to appoint a spokesperson.
- b) If the objectors are unable to come to an agreement on a spokesperson, more than one objector will be permitted, however a maximum of five minutes will be allowed for all objectors and individual times reduced accordingly. Objectors will speak in the order their requests were received by Democratic Services.
- c) No written submissions, photos, presentations or other material will be accepted from speakers at the meeting.
- d) If a decision on the application is deferred, speakers will be permitted when the application is brought back to committee. Names of speakers will not be held over from the previous meeting – the same rules will apply as above.

Deleted: it is the responsibility of the objectors to appoint a representative to speak on their behalf. The Council will supply a list of the names and addresses of all objectors who have made a request to speak, to allow for this.

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Deleted: and subsequent speakers may only raise new issues.

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## 28. PLANNING COMMITTEE PROCEDURE

### 28.1 Seating arrangements in the Planning Committee

Members of the Planning Committee will sit on the Chairman's left hand side. Other Members and attendants will sit on the Chairman's right hand side.

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28.2 The following procedure will apply at the Committee meeting:

Deleted: d) Videos/overhead s/electronic presentations are only allowed at the Chairman's discretion and must be pre-arranged. Content will need to be viewed and agreed by officers beforehand.¶

- a) The order on the agenda will be arranged or amended to make sure applications with speakers are heard first.
- b) The Chairman will announce each application in turn.
- c) A Planning Officer will make any introductory comments.
- d) The order of speakers will be objector, followed by a supporter (if relevant) then the applicant (or agent). Speakers will be allowed a maximum of three minutes each (up to a maximum of five minutes for all objectors and for all supporters) in which to address the Committee
- e) ~~Should Members be unclear and require clarification on any points made by the speaker(s), they may ask officers who may refer the question to the speaker with the permission of the Chairman.~~
- f) The relevant County Councillor will then have the opportunity to speak for a maximum of three minutes each.
- g) The relevant Ward Member and the Executive Member for Development Control matters will be allowed to speak for no more than two minutes each on the relevant application. The Committee Chairman may exceptionally allow the Executive Member to speak for up to five minutes where he considers the application to be of major significance which should not be unreasonably denied. ~~If a ward member is also a county councillor, he/she will be allowed only one opportunity to speak for two minutes representing both ward and county council roles.~~
- h) A Planning Officer will have the opportunity to respond to the comments made by the speakers.
- i) The Committee will then consider the application and ask any questions and a Planning Officer and/or Legal Officer will be allowed to make concluding points, if any.
- j) The Committee would then vote on any proposition or amendment which is moved and seconded.
- k) Applications will not be deferred because of the absence of an applicant or objector, or other person, who has indicated a wish to speak.

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# Access to Information Procedure Rules

## 1. SCOPE

These rules apply to all business meetings of the Council and Committees as well as formal meetings of the Executive. These rules do not apply to meetings held under Council Procedure Rule 16.

## 2. ADDITIONAL RIGHTS TO INFORMATION

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

## 3. RIGHTS TO ATTEND MEETINGS

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

## 4. NOTICES OF MEETING

The Council will give at least five clear working days notice of any meeting by posting details of the meeting at the Council Offices (main reception), Argents Mead, Hinckley, the designated office and on the Borough Council's Website. Where a key decision is to be taken by the Executive, 28 days' notice will be given.

## 5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

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

5.2 ~~Any Member of the Council may have access to an Agenda, report, or background document which is available to the public.~~

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5.3 A Member of the Council may, for purposes only of his/her duty as such Member, but not otherwise, on application to the Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards), inspect any other document which has been, or is to be, considered by a Committee, Executive or by the Council. A Member shall not knowingly inspect and shall not ask for a copy of any document relating to a matter in which he is professionally interested or has a pecuniary interest. This rule shall not preclude the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) from declining to allow inspection of any document which is or in the event of legal proceedings would be protected by privilege arising from the relationship of solicitor and client.

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## 6. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) thinks fit any other documents supplied to Councillors in connection

with an item to any member of the public on payment of a charge for postage and any other costs.

## 7. ACCESS TO RECORDS OF DECISIONS AFTER THE MEETING

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7.1 The Council will make available on request and on its website copies of the following for six years after a meeting:

- (a) the minutes of all meetings;
- (b) the agenda for the meeting;
- (c) reports relating to items when the meeting was open to the public;
- (d) copies of background papers associated with the report.

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(b) . a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

## 8. BACKGROUND PAPERS

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### 8.1 List of background papers

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The author will set out in every report background papers relating to the subject matter of the report which in his/her opinion:

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- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information

### 8.2 Public inspection of background papers

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The Council will make available for public inspection, including on the Council's website, for four years after the date of the meeting one copy of each of the documents on the list of background papers.

## 9. SUMMARY OF PUBLIC'S RIGHTS

A copy of these rules, setting out a summary of the public's rights relating to meetings and information, will be available to the public on the Council's website which can be accessed at the Council Offices.

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## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

### 10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed in accordance with the provisions of the Local Government Act 1972 Schedule 12A.

### 10.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

### 10.4 Meaning of Exempt Information

Exempt Information means information falling within the following categories

**(N.B: Paragraph numbers of the categories mirror those contained in Schedule 12A of the Local Government Act 1972)**

**NOTE: All categories are subject to the application of a public interest test**

CATEGORY		CONDITION
1.	Information relating to any individual.	
2.	Information which is likely to reveal the identity of an individual.	
3.	Information relating to the financial or business affairs of any particular person (including the authority holding that information).	<p>Information is not exempt information if it is required to be registered under:-</p> <ul style="list-style-type: none"> <li>(a) the Companies Act 1985;</li> <li>(b) the Friendly Societies Act 1974;</li> <li>(c) the Friendly Societies Act 1992;</li> <li>(d) the Industrial and provident Societies Acts 1965 to 1978;</li> <li>(e) the Building Societies Act 1986; or</li> <li>(f) the Charities Act 1993</li> </ul> <p>'financial or business affairs' includes contemplated, as well as past or current, activities</p> <p>'registered' in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file of any building society (within the meaning of that Act).</p>
4.	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.	<p>'employee' means a person employed under a contract of service</p> <p>'labour relations matter' means:-</p> <ul style="list-style-type: none"> <li>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</li> <li>(b) any dispute about a matter falling within paragraph (a) above;</li> </ul> <p>and for the purposes of this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority;</p> <p>'office-holder', in relation to the authority, means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority.</p>
5.	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.	

6.	Information which reveals that the authority proposes:-  (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or  (b) to make an order or direction under any enactment.	
7.	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.	
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### Public Interest Test – Paragraph 10

The above information is only exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### Town & Country Planning

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town & Country Planning General Regulations 1992.

## 11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked “Not for publication” together with the category of information likely to be disclosed and be printed on yellow paper. A notice will be published on the Council's website 28 days prior to a decision being taken in private. If 28 days' notice cannot be given, the Chairman of the Scrutiny Commission will be informed of this and the reasons.

## 12. APPLICATION OF RULES TO THE EXECUTIVE

Rules 13 – 24 apply to the Executive. If the Executive meets to take a key decision then it must also comply with Rules 1 – 11 unless Rule 15 (general exception) or Rule 16 (special urgency) applies. This requirement does not include briefings, whose sole purpose is for Officers to inform Members.

## 13. PROCEDURE BEFORE TAKING KEY DECISIONS

Subject to Rule 15 (general exception) and Rule 16 (special urgency), a key decision may not be taken unless:

- at least 5 clear working days have elapsed since the publication of the summons and associated reports;
- where the decision is to be taken at a meeting of the Executive, a document has been published at least 28 clear days prior to the meeting stating the nature of the decision to be taken, the decision maker and documents which will be provided to the decision maker;
- where the decision is to be taken at a meeting of the Executive, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

14. **NOTIFICATION OF KEY DECISIONS TO BE TAKEN**

14.1 **Period of the notice**

A rolling document will be produced and published on the Council's website which details key decisions which will be taken by the Executive and will give at least 28 days' notice of these decisions. Where this notice period is not possible, the reasons for this will be included in the notice.

14.2 **Contents of the notice**

The notice will contain matters which there is reason to believe will be subject of a key decision to be taken by the Executive. The notice will also include any proposed changes in the Budget & Policy Framework. It will describe the following particulars:

- (a) the matter in respect of which a decision is to be made and whether the decision is likely to be taken in private in accordance with paragraphs 10.1 to 10.4;
- (b) details of the decision taker, including listing members of the body;
- (c) the date on which, or the period within which, the decision will be taken;
- (d) a list of the documents submitted to the decision taker for consideration in relation to the matter;
- (e) the procedure for requesting details of those documents.

15. **GENERAL EXCEPTION**

If a matter which is likely to be a key decision has not been included in the abovementioned notice, then subject to Rule 16 (special urgency), the decision may still be taken if:

- (a) the decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the notice for the required 28 days;
- (b) the Proper Officer has informed the Chairman of the Scrutiny Commission;
- (c) the Proper Officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear working days have elapsed since the Proper Officer complied with (a) and (b).

Where such a decision is taken collectively, it must be taken in public.

16. **SPECIAL URGENCY**

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the proper officer obtains the agreement of the chairman, Scrutiny Commission (or in his/her absence, one of the Vice-Chairmen) that the taking of the decision cannot be reasonably deferred. Notification of this and reasons will be published on the Council's website.

17. **REPORT TO COUNCIL**

17.1 **When the Scrutiny Commission can require a report**

If the Scrutiny Commission thinks that a key decision has been taken which was not:

- (a) included in the published notice
- (b) treated as a key decision
- (b) the subject of the general exception procedure or,
- (c) the subject of an agreement with the chairman or vice-chairman of the Scrutiny Commission, under Rule 16.

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(e) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be ta (... [63])

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the Commission may require the Executive to submit a report to the Council within such reasonable time as the Commission specifies.

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## 17.2 Executive's report to Council

The Executive will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 7 days of receipt of the resolution of the Scrutiny Commission, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision and the reasons, the decision maker, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

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## 17.3 Six-monthly reports on special urgency decisions

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In any event the Leader will submit a report every six months to the Council on the Executive decisions taken in the circumstances set out in Rule 16 (special urgency) in the preceding three months. The report will include the particulars of each decision made and a summary of the matters in respect of which each decision was made.

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## 18. RECORD OF DECISIONS

After any meeting of the Executive or any of its Committees, whether held in public or private, the Proper Officer or, where no Officer was present, the person presiding at the meeting, will produce a record of every decision taken at that meeting as soon as practicable. The record will include the particulars of the decision, a statement of the reasons for each decision, any alternative options considered and rejected at that meeting, a record of any conflict of interest declared by a member of the decision-making body or a note of dispensation granted.

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## 19. INSPECTION OF DOCUMENTS AFTER KEY DECISION TAKEN BY THE EXECUTIVE

A copy of any report or part report relevant to a key decision and considered by the Executive will be open to inspection by the public and available on the Council's website for 6 years from the date the decision was made. Documents containing confidential or exempt information or the advice of a political adviser need not be disclosed. If a document is not disclosed because it contains exempt information, the Head of Paid Service will prepare a statement. The statement will describe the category of exempt information and reasons for exemption. The statement will be open to inspection for 6 years from the date of the meeting.

## 20. DECISIONS BY INDIVIDUAL MEMBERS OF THE EXECUTIVE

### 20.1 Record of individual decision

As soon as reasonably practicable after a Executive decision has been taken by an individual member of the Executive or a delegated decision has been taken by an officer, he/she will prepare, or instruct the proper officer to prepare, a record of the decision, a statement of the reasons for it and any alternative options considered and rejected. The provisions of Rules 7 and 8 (inspection of documents after meetings) will also apply to the making of decisions by individual members of the Executive. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

## 21. SCRUTINY COMMISSION AND FINANCE, AUDIT & PERFORMANCE COMMITTEE ACCESS TO DOCUMENTS

### 21.1 Rights to copies



Subject to Rule 22.2 below, a member of the Scrutiny Commission or Finance, Audit & Performance Committee will be entitled to copies of any document which is in the possession or control of the Executive and which contains material relating to

- (a) any business transacted at a public or private meeting of the Executive;
- (b) any decision taken by an individual member of the Executive;
- (c) any decision taken by an officer under delegated powers.

This information will be provided within ten clear days of the request.

## 21.2 Limit on rights

The Scrutiny Commission and Finance, Audit & Performance Committee will not be entitled to:

- (a) any document that is not in final draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or
- (c) the advice of a political adviser.

Where the Executive determines that a member of the Scrutiny Commission or Finance, Audit & Performance Committee is not entitled to a document for the reasons set out above, it must provide that body with a written statement setting out its reasons.

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## 22 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

### 22.1 Material relating to previous business

All Members will be entitled to inspect any document which is in the possession or under the control of the Executive and contains material relating to any business previously transacted at a private meeting unless either (a) or (b) below applies.

- (a) it contains confidential or exempt information falling within the categories of exempt information;
- (b) it contains the advice of a political adviser.

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### 22.2 Material relating to key decisions

All Members of the Council will be entitled to inspect any document in the possession or under the control of the Executive which relates to any key decision unless paragraph 23.1 (a) or (b) applies.

### 22.3 Nature of rights

These rights of a Member are additional to any other statutory right he/she may have.

## Budget and Policy Framework Procedure Rules

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### 1. THE FRAMEWORK FOR EXECUTIVE DECISIONS

The Council will be responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it will be the responsibility of the Executive to implement it.

### 2. PROCESS FOR DEVELOPING THE FRAMEWORK

The process by which the budget and policy framework shall be developed is:

- (a) The Executive will publicise by including in the forward plan, and other appropriate means, a timetable for making proposals to the Council for the adoption of any plan, strategy or budget that forms part of the budget and policy framework, and its arrangements for consultation after publication of those initial proposals. In the case of the budget, all Members of the Council will be notified. The consultation period shall in each instance be not less than 4 weeks. The Executive may determine who to consult and the nature of the consultation, unless Council have specified such detail as part of the policy framework.
- (b) The Executive's initial proposal shall be referred to Scrutiny Commission or to the Finance, Audit & Performance Committee. At the end of that period, the Executive will then draw up firm proposals having regard to the responses to that consultation. If the Scrutiny Commission or Finance, Audit & Performance Committee wishes to respond to the Executive in that consultation process then it may do so. As the Scrutiny Commission and Finance, Audit & Performance Committee has responsibility for fixing their own work programme and those of the Scrutiny Panels, it is open to the Commission (directly or through a Panel) to investigate, research or report in detail with policy recommendations before the end of the consultation period. The Executive will take any response from the Scrutiny Commission or Finance, Audit & Performance Committee or Panel into account in drawing up firm proposals for submission to the Council, and its report to Council will reflect the comments made by consultees and the Executive's response.
- (c) Once the Executive has approved the firm proposals, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) will refer them at the earliest opportunity to the Council for decision.
- (d) In reaching a decision, the Council may adopt the Executive's proposals, amend them, refer them back to the Executive for further consideration, or in principle, substitute its own proposals in their place.
- (e) If it accepts the recommendation of the Executive without amendment, the Council may make a decision which has immediate effect. Otherwise, it may only make an in-principle decision. In either case, the decision will be made on the basis of a simple majority of votes cast at the meeting.
- (f) The decision will be publicised in accordance with Article 4 and a copy shall be given to the Leader.
- (g) An in-principle decision will automatically become effective on the seventh day after the date of the Council's decision, unless the Leader or Executive Member informs the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) in writing before the seventh day after the meeting that he/she objects to the decision becoming effective and provides reasons why.
- (h) If the Leader or Executive Member does inform the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) of an objection, the Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards) will call a Council meeting within a further 21 days, at which the Council will be required to re-consider its decision in the light of the Leader's or Executive Member's written submission. The Council may either approve the Executive's recommendation or approve a different decision which does not accord with the recommendation of the Executive, in either case by a simple majority of votes cast.
- (i) The decision shall then be made public in accordance with Article 4, and shall be implemented immediately;
- (j) In approving the budget and policy framework, the Council will also specify the extent of virement or supplementary estimate within the budget and degree of in-year changes to the policy framework which may be undertaken by the Executive, in accordance with paragraphs 5 and 6 of these Rules (virements and supplementary estimates and in-year adjustments). Any other changes to the policy and budgetary framework are reserved to the Council.

### **3. DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) Subject to the provisions of paragraph 5 (virement) the Executive, individual Members of the Executive and any Officers or joint arrangements discharging Executive functions may only take decisions which are in line with the budget and policy framework.
- (b) Whenever the Executive, individual Members of the Executive and any Officers discharging Executive functions want to make a decision, they shall first take advice from the Monitoring Officer and/or the Proper Officer for Financial Affairs as to whether the decision they want to make would be contrary to the policy framework, or contrary to or not wholly in accordance with the budget. If the advice of either of those Officers is that the decision would not be in line with the existing budget and/or policy framework, then the decision must be referred to the Council for decision, unless the decision is a matter of urgency, in which case the provisions in paragraph 4 (urgent decisions outside the budget and policy framework) shall apply.

**4. URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK**

- (a) The Executive, individual Members of the Executive and any Officers discharging Executive functions may take a decision which is contrary to the Council’s policy framework or contrary to or not wholly in accordance with the budget approved by full Council if the decision is a matter of urgency. However, the decision may only be taken:
  - i) if it is not practical to convene a quorate meeting of the full Council; and
  - ii) if the chairman or, in his/her absence, the vice-chairman of the Scrutiny Commission agrees that the decision is urgent.

The reasons why it is not practical to convene a quorate meeting of full Council and the Scrutiny Commission chairman's/vice-chairman's consent to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the chairman or, in his/her absence, the vice-chairman of the Scrutiny Commission, the consent of the Mayor (or in his absence, the Deputy Mayor) will suffice.
- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

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**5. VIREMENTS & SUPPLEMENTARY ESTIMATES**

The rules of virement and supplementary estimates shall be as set out in the Financial Procedure Rules.

**6. IN-YEAR CHANGES TO POLICY FRAMEWORK**

The responsibility for agreeing the budget and policy framework (including determination of fees and charges for Council services only, introduction of chargeable services and setting of Council Tax level) lies with the Council, and decisions by the Executive, individual Members of the Executive and any Officers discharging Executive functions must be in line with it. No changes to any policy and strategy which make up the policy framework may be made by those bodies or individuals except those changes:

- (a) necessary to ensure compliance with the law, ministerial direction or government guidance;
- (b) in relation to the policy framework in respect of a policy which would normally be agreed annually by the Council following consultation, but where the existing policy document is silent on the matter under consideration;
- (c) in relation to the policy framework in respect of a policy amendment where the financial consequences are less than the virement or supplementary estimate limit; and

- (d) which result in the closure or discontinuance of a service or part of a service to meet budgetary constraint.

### Call-in of decisions outside the budget or policy framework

- (a) Where the Scrutiny Commission or Finance, Audit & Performance Committee is of the opinion that a Executive decision is, or if made would be, contrary to the policy framework, or contrary to or not wholly in accordance with the Council's budget, then they shall take advice from the Monitoring Officer and/or the Proper Officer for Financial Affairs.
- (b) In respect of functions which are the responsibility of the Executive, the Monitoring Officer's report and/or Proper Officer for Financial Affairs' report shall be to the Executive with a copy to every Member of the Council. Regardless of whether the decision is delegated or not, the Executive must meet to decide what action to take in respect of the report of the Monitoring Officer/Proper Officer for Financial Affairs. The Executive must then prepare a report to Council in the event that they conclude that the decision was a departure, and to the Scrutiny Commission/Finance, Audit & Performance Committee if the Monitoring Officer/Proper Officer for Financial Affairs concludes that the decision was not a departure.
- (c) If the decision has yet to be made, or has been made but not yet implemented, and the advice from the Monitoring Officer/Proper Officer for Financial Affairs is that the decision is or would be contrary to the policy framework or contrary to or not wholly in accordance with the budget, the Scrutiny Commission/Finance, Audit & Performance Committee may refer the matter to Council. In such cases, no further action will be taken in respect of the decision or its implementation until the Council has met and considered the matter. The Council shall meet within 21 days of the request by the overview and Scrutiny Committee. At the meeting it will receive a report of the decision or proposals and the advice of the Monitoring Officer/Proper Officer for Financial Affairs. The Council may either:
- i) endorse a decision or proposal of the Executive decision taker as falling within the existing budget and policy framework. In this case no further action is required, save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - ii) amend the Council's [Financial Procedure Rules](#) or policy concerned to encompass the decision or proposal of the body or individual responsible for that Executive function and agree to the decision with immediate effect. In this case, no further action is required save that the decision of the Council be minuted and circulated to all Councillors in the normal way; or
  - iii) conclude that a decision or proposal of the Executive is outside the existing budget or policy framework, but determines that the circumstances are exceptional, and grant an exception. The decision of the Council is then minuted.
  - iv) where the Council accepts that the decision or proposal is contrary to the policy framework or contrary to or not wholly in accordance with the budget, and does not amend the existing framework to accommodate it, require the Executive to reconsider the matter in accordance with the advice of either the Monitoring Officer/Proper Officer for Financial Affairs.

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## Executive Procedure Rules

### 1. HOW DOES THE EXECUTIVE OPERATE?

#### 1.1 Who May Make Executive Decisions?

The arrangements provide for Executive functions to be discharged by:

- a) the Executive as a whole;
- b) an individual member of the Executive;
- c) an officer;

The extent of delegation is set out in Part 3 of the Constitution "Responsibility for Functions and Delegation".

### 1.2 Delegation By The Leader

The Council approves the allocation of functions set out in Part 3 of this Constitution, however, delegation to Area Forums, joint arrangements or another authority is a matter for the Leader of Council where the function is not allocated by the Council and otherwise for the person within the Executive with responsibility for that function.

### 1.3 Sub-Delegation Of Executive Functions

- (a) Where the Executive, or an individual member of the Executive, is responsible for a Executive function, they may delegate further to an area committee, joint arrangements or an officer.
- (b) Unless the Council directs otherwise, if the Leader delegates functions to the Executive, then the Executive may delegate further to a committee of the Executive or to an officer.
- (c) Even where Executive functions have been delegated, that fact does not prevent the discharge of delegated functions by the person or body who delegated.

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### 1.4 The Council's Scheme Of Delegation and Executive Functions

- (a) The Council's scheme of delegation will be subject to adoption by the Council and may only be amended by the Council.
- (b) No key decisions can be taken by individual Executive Members.
- (c) Decisions delegated to an individual Executive Member can only be taken by the relevant Executive Member, or in their absence, their nominated deputy from within the Executive or the Leader of the Council (or Deputy Leader).

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### 1.5 Conflicts Of Interest

Where the Leader of Council or a member of the Executive has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members

### 1.6 Executive Meetings – When And Where?

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The Executive will meet at least every eight weeks at an agreed and published time and place.

### 1.7 Public Or Private Meetings Of The Executive?

- (a) All formal meetings of the Executive, where decisions are taken, will be held in public in accordance with the Access to Information Procedure Rules.
- (b) Private briefings will be held as necessary to develop policy, discuss innovation and undertake strategic planning with senior officers. Other Councillors may be invited to these briefings by the Leader of the Council.

## 2 NOTICE OF MEETINGS OF THE EXECUTIVE

- 2.1 The Executive will not hold private meetings if decisions are taken, but may hold briefing meetings with officers, or forward planning sessions with or without officers( see exception 19.5). All Executive Members are entitled to attend private briefing or forward planning meetings and other members or officers may be invited by the Leader.

2.2 Members of the Executive will be entitled to receive five clear working days notice of a meeting of which they are notified, unless the meeting is convened at shorter notice as a matter of urgency.

2.3 All members of the Council will have access to copies of the notice and the Agenda in their preferred format.

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2.4 The Head of Paid Service, Chief Financial Officer and Monitoring Officer or Deputy Chief Executive, Chief Officer and their nominees are entitled to attend any meeting of the Executive.

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### 3. QUORUM

The quorum for the Executive is 3 and business shall not be transacted unless at least this number of Members is present. If on any occasion a quorum is not present after fifteen minutes from the time appointment for the commencement of business, the meeting shall not be held, OR, the meeting may continue with the record of the meeting being referred to as "Notes of the Meeting" and subject to ratification at a future meeting of the Executive.

### 4. HOW ARE DECISIONS TO BE TAKEN BY THE EXECUTIVE?

(a) Executive decisions which have been delegated to the Executive as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4 of the Constitution.

(b) The Executive may appoint a Sub Committee of the Executive to undertake particular tasks, which would be subject to the same procedural rules. The number of members must be specified and a quorum would be a minimum of three members. The Terms of reference and any onward delegation must be specified.

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(c) Urgent business contained on the agenda for the meeting of the Executive cancelled for lack of quorum shall be dealt with on behalf of the Council by the Leader (or Deputy Leader) and Executive Members with the relevant portfolio (or nominated deputy).

### 5. RULES OF DEBATE

Council Procedure Rule 14 "Rules of Debate for Council Meetings" (except those parts which relate to Standing and Speaking more than once) and Rule 23 "Interpretation of Rules of Procedure" shall apply to Executive meetings.

### 6. VOTING

(a) Voting at a meeting of the Executive shall be by a show of hands.

(b) In the case of an equality of votes the Chairman shall have a second/or casting vote. There shall be no restriction on how the Chairman uses the casting vote.

(c) After a vote is taken and discussion closed by the Chairman, there shall be no re-opening of debate on the item which has been the subject of the vote.

## 7. HOW ARE THE EXECUTIVE MEETINGS CONDUCTED?

### 7.1 Who Presides?

If the Leader of Council is present he/she will preside. In his/her absence, then the Deputy Leader will preside. If neither is present another Executive Member will be appointed as Chairman. The Chairman will assume the powers the Leader would have as Chairman.

### 7.2 Who May Attend?

- (a) Any Member may attend any formal meeting of the Executive, irrespective of whether the public are admitted to the whole or part of such meeting.
- (b) Group Leaders may attend formal Executive meetings and take part in debates as of right, but are not part of the formal decision making process. They will always have access to agendas and reports in advance.
- (c) Members of a Scrutiny body will always be deemed to be there for the purpose of his/her duty and the Chairman or vice chairman shall have a right to speak.
- (d) A Member attending an Executive meeting shall be supplied, on request, with a copy of the complete agenda for that meeting.
- (e) A Member (other than a Group Leader) who exercises his/her right to attend a meeting under this Procedural Rule shall have no right to speak or vote.
- (f) A Member of the Council (other than a Group Leader) who wishes to attend an Executive meeting, to speak on an item appearing on the agenda, shall obtain the permission of the Chairman.
- (g) Any member of the Executive or statutory officer may attend a private briefing of the Executive.

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### 7.3 What Business/Agenda?

At each meeting of the Executive the following business will be conducted:

- a) confirmation of the minutes of the last meeting;
- b) declarations of interest, if any;
- c) matters referred to the Executive (whether by an overview & scrutiny body or by the Council) for reconsideration by the Executive in accordance with the provisions contained in the Overview & Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of this Constitution;
- d) consideration of reports from Scrutiny Commission; and
- e) matters set out in the agenda for the meeting.

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### 7.4 Consultation

All reports to the Executive on proposals relating to the budget and policy framework must contain details of the nature and extent of and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

Deleted: f) decisions to be made by Executive¶  
g) recommendation to be made by Executive to Council, on policy or budget.¶  
h) confidential matters to be considered following exclusion of the public.¶

### 7.5 Who Can Put Items On The Executive Agenda?

- (a) The Leader may put on the agenda of any Executive meeting any matter which he/she wishes, whether or not authority has been delegated to the Executive, a committee of it or any member or officer in respect of that matter. The proper officer will comply with the Leader's requests in this respect.
- (b) Any member of the Executive may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Executive for consideration.

- (c) There will be a standing item on the agenda of each meeting of the Executive for matters referred by Scrutiny Committees. However if there is excessive other business to be considered, the Leader may, at his/her discretion, defer such items to a subsequent meeting.
- (d) Any member of the Council may ask the Leader to put an item on the agenda of a Executive meeting for consideration, and if the Leader agrees the item will be considered at the next available meeting of the Executive. The notice of the meeting will give the name of the Councillor who asked for the item to be considered. However, there may only be up to 3 such items per Executive meeting.
- (e) Members of the Strategic Leadership Board or the Monitoring Officer will normally include reports for consideration on the agenda. The Monitoring Officer and/or the Chief Finance Officer may require the proper officer to call such a meeting in pursuance of their statutory duties. In other circumstances, where any two of the Head of Paid Service, Chief Finance Officer, Monitoring Officer and other Board members are of the opinion that a meeting of the Executive needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of a Executive meeting. If there is no meeting of the Executive soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.



# Overview & Scrutiny Procedure Rules

## 1. NUMBER AND ARRANGEMENTS FOR OVERVIEW & SCRUTINY BODIES

- 1.1 The Overview & Scrutiny Function will consist of a Scrutiny Commission and a Finance, Audit & Performance Committee. These two bodies may appoint panels for specific functions on a task and finish basis, on completion of which they shall cease to exist.
- 1.2 The membership and Terms of Reference are as set out in Article 6 – Overview & Scrutiny Function.
- 1.3 Reference to the Overview & Scrutiny bodies includes the Scrutiny Commission and the Finance, Audit & Performance Committee.

## 2. MEMBERSHIP OF OVERVIEW & SCRUTINY BODIES

- 2.1 All councillors, except members of the Executive and the Mayor, may be members of the Overview & Scrutiny bodies. No member may be involved in scrutinising a decision in which he/she has been directly involved.

## 3. CO-OPTees

- 3.1 The Finance, Audit & Performance Committee shall be entitled to recommend to Scrutiny Commission the appointment of a number of people as non-voting co-optees, if appropriate.

## 4. MEETINGS OF THE OVERVIEW & SCRUTINY BODIES

- 4.1 There shall be at least six ordinary meetings of the Scrutiny Commission in each year, and four ordinary meetings of the Finance, Audit & Performance Committee. In addition, extraordinary meetings may be called from time to time as and when appropriate. Extraordinary meetings may be called by the Chairman of the body, by any five members of the body, or by the proper officer if he/she considers it necessary or appropriate.

## 5. QUORUM

- 5.1 The quorum for Overview & Scrutiny bodies shall be as set out for Committees in the Council Procedure Rules.

## 6. CHAIRING THE MEETINGS

- 6.1 Chairmanship of the Scrutiny Commission shall be agreed by Council in accordance with Article 6 of this Constitution. Two Vice-Chairmen shall also be appointed and one will act as Chairman of the Finance, Audit & Performance Committee.

## 7. WORK PROGRAMME

- 7.1 The Overview & Scrutiny Function will be responsible for setting a work programme.

- 7.2 It must also have regard to:

- Executive key decisions to be taken
- Corporate Plan
- Corporate Budgets and Medium Term Financial Strategy
- Current local issues and initiatives
- Performance management
- Local Strategic Partnership themes.

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## 8. AGENDA ITEMS

- 8.1 Any member of the Overview & Scrutiny Function, including Panels, shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the body to be included on the agenda for the next available meeting. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.
- 8.2 The Leader of any political party with two or more members may require the Proper Officer to include an item on the agenda of the relevant Overview & Scrutiny body for consideration. The Proper Officer shall inform the Chairman of the relevant body of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that body.
- 8.3 Any member of the Council who is not a member of that Overview & Scrutiny body may request permission from the Chairman to include an item on the agenda.
- 8.4 The Overview & Scrutiny bodies shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the body shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or Executive shall consider the report of the Overview & Scrutiny body within one month of receiving it.

## 9. POLICY REVIEW AND DEVELOPMENT

- 9.1 The role of the Overview & Scrutiny function in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 9.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview & Scrutiny Bodies may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
- 9.3 Overview & Scrutiny bodies may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, within the resources made available by Council.

## 10. REPORTS FROM ~~FINANCE, AUDIT & PERFORMANCE COMMITTEE~~

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- 10.1 Once it has formed recommendations on proposals for policy development, the Overview & Scrutiny body will prepare a formal report and submit it to the Proper Officer for consideration by the Executive, if the proposals are consistent with the existing budgetary and policy framework, or to the Council, as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 10.2 If the body cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- 10.3 The Council or Executive shall consider the report of the body within eight weeks of it being submitted to the Proper Officer.

## **11. MAKING SURE THAT OVERVIEW & SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE**

- 11.1 Once a body has completed its deliberations on any matter it will forward a copy of its final report to the Head of Paid Service who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Head of Paid Service refers the matter to Council, he/she will also serve a copy on the Leader of Council with notice that the matter is to be referred to Council. The Executive will have eight weeks in which to respond to the Overview & Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview & Scrutiny body on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the body's proposals.
- 11.2 The agenda for Executive meetings shall include an item 'matters arising from the Scrutiny Commission'. The reports of Overview & Scrutiny bodies referred to the Executive shall be included at this point on the agenda unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda within eight weeks of the body completing its report / recommendations.
- 11.3 Overview & Scrutiny bodies will in any event have access to the Executive's timetable for decisions. Even where an item is not the subject of detailed proposals from an Overview & Scrutiny body following consideration of possible policy/service developments, the body will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

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## **12. RIGHTS OF OVERVIEW & SCRUTINY MEMBERS TO DOCUMENTS**

- 12.1 In addition to their rights as councillors, members of the Overview & Scrutiny function have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 12.2 Nothing in this paragraph prevents more detailed liaison between the Executive and Overview & Scrutiny bodies as appropriate depending on the particular matter under consideration.

## **13. MEMBERS AND OFFICERS GIVING ACCOUNT**

- 13.1 Any Overview & Scrutiny body or panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior officer or contractor to the Council, to attend before it to explain in relation to matters within their remit:
- a) any particular decision or series of decisions;
  - b) the extent to which the actions taken implement Council policy; and/or
  - c) their performance.

And it is the duty of those persons to attend if so required.

- 13.2 Where any member, officer or contractor is required to attend an Overview & Scrutiny body under this provision, the Chairman of that body will inform the Proper Officer. The Proper Officer shall inform the person in writing giving at least seven working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the body. Where the account to be given to the body will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that document.

13.3 Where, in exceptional circumstances, the person is unable to attend on the required date, then the Overview & Scrutiny body shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 42 days from the date of the original request.

#### **14. ATTENDANCE BY OTHERS**

14.1 An Overview & Scrutiny body may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall invite such people to attend.

14.2 An Overview & Scrutiny body may specifically invite an Executive member to attend meetings when their presence will inform the debate.

#### **15. CALL-IN**

15.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview & Scrutiny body have evidence which suggests that the Executive did not take a decision in accordance with the principles set out in Article 13 (Decision making).

- a) Professional advice was not taken from officers or not duly considered;
- b) The decision conflicts with respect for human rights or is not in accordance with the Council's equality policies;
- c) The decision was taken in the absence of adequate evidence;
- d) There was inadequate consultation with stakeholders;
- e) The decision does not reflect the core values of the Council;
- f) The decision does not comply with the Council's Strategy, Policy or Budget.

#### **15.2 Exceptions**

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- a) that an Overview & Scrutiny body may only call-in ten decisions per year;
- b) only decisions involving expenditure or reductions in service over a value of £50,000 may be called in;
- c) three members of an Overview & Scrutiny body covering more than one political party are needed for a decision to be called in.

#### **16. CALL-IN PROCESS**

16.1 When a decision is made by the Executive, an individual member of the Executive or a formally delegated decision is made by an officer with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. All Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless the Scrutiny Commission or Finance, Audit & Performance Committee objects to it and calls it in. The notice will specify whether or not a decision is subject to call-in and if not, the reason.

16.3 During that period, the proper officer shall call-in a decision for scrutiny by the Commission/Committee if so requested by any three members of that body, covering more than one political party, and shall then notify the decision-taker of the call-in.

He/she shall call a meeting of the body on such date as he/she may determine, where possible after consultation with the Chairman of the Overview & Scrutiny body. The issue shall be considered at the next scheduled meeting of the Commission/Committee, unless the Chairman or relevant Executive member believe a special meeting is required sooner.

- 16.4 If, having considered the decision, the Overview & Scrutiny body is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. The option to refer to Council shall not be chosen routinely and may be used in exceptional circumstances only. The Overview & Scrutiny body must state the reason for their decision. If referred to the decision maker they shall then reconsider at their next meeting (unless urgent when an earlier meeting will be convened) or within ten days if the decision was taken by an individual, amending the decision or not, before adopting a final decision.
- 16.5 If following an objection to the decision the Overview & Scrutiny body does not meet within six weeks, or does meet but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of that Overview & Scrutiny body's meeting. In cases of urgency, an earlier meeting must be convened or the Leader of Council can agree consideration at a later meeting.
- 16.6 If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole, a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider it within 15 working days of the Council request.
- 16.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 16.8 Where an Executive decision had been taken by an Area Forum, then the right of call-in shall extend to any three members of another Area Forum if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those three members may request the Proper Officer to call-in the decision. He/she shall call a meeting of the relevant Overview & Scrutiny body on such a date as he/she may determine, where possible after consultation with the chairman of the body, and in any case within five days of the decision to call in. All other provisions relating to call-in shall apply as if the call-in had been exercised by members of the Overview & Scrutiny function.

## 17. CALL-IN AND URGENCY

- 17.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Chairman of the Scrutiny Commission (and in his/her absence, the Vice-Chairman) must agree both that the decision proposed is

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reasonable in all the circumstances and to it being treated as a matter of urgency. Decisions taken as a matter of urgency must be included in the six-monthly reports to Council as stated under the Executive Procedure Rules.

**Deleted:** In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required.

- 17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Scrutiny Commission, and a report submitted to Council with proposals for review if necessary.

## 18. THE PARTY WHIP

**Deleted:** reported to the next available meeting of the Council, together with the reasons for urgency

- 18.1 The party whip is defined as

*“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”*

- 18.2 The Council has resolved that the party whip will not be used for Scrutiny Commission, Finance, Audit & Performance Committee, Licensing, Planning and Regulatory Committees.

## 19. PROCEDURE AT OVERVIEW & SCRUTINY MEETINGS

- 19.1 Overview & Scrutiny bodies shall consider the following business:

- a) minutes of the last meeting;
- b) declarations of interest;
- c) consideration of any matter referred to the body for a decision in relation to call-in of a decision;
- d) responses of the Executive to reports of the body;
- e) the business otherwise set out on the agenda for the meeting.

- 19.2 Where the Overview & Scrutiny body conducts investigations (eg with a view to policy development), the body may also ask people to attend to give evidence at meetings of that body which are to be conducted in accordance with the following principles;

- a) that the investigation be conducted fairly and all members of the body be given the opportunity to ask questions of attendees, and to contribute and speak;
- b) that those assisting the body by giving evidence be treated with respect and courtesy;
- c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis;
- d) where a witness is called, that person shall be given advance notice of the questions or detailed lines of questioning to be put. Where a new line or questioning is pursued, the witness may provide written answers at a later date.

- 19.3 Following any investigation or review, the Overview & Scrutiny body shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

## 20. AUDIT MATTERS

- 20.1 The Finance, Audit & Performance Committee, whilst operating as part of the Overview & Scrutiny Function in the majority of its duties, functions as a committee of the Council in those Audit and Governance matters which are matters reserved to Council or delegated by statute to the Council's Audit Committee.

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# Financial Procedure Rules

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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.

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## 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 Accountancy Manager 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 Accountancy Manager, Group Accountants, Senior Accountants and Accountants.
- F. The Corporate Property Officer (CPO) is the Estates and Assets Manager.
- G. A Head of Service is a member of the officers' Operational Board.
- H. 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.
- I. 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.
- J. 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.
- K. Financial Procedure Rules must be reviewed annually and Council must approve any amendments.
- L. 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.

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### 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.
- ◆ 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.
- ◆ 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.**
- ◆ 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.

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### 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).
  - 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.

## 6. CAPITAL PROGRAMME (CREATION)

- A. For the purpose of these procedure rules "capital expenditure" means the acquisition, construction or enhancement of a fixed asset (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.
- 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.

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E. The Deputy Chief Executive (Corporate Direction) will collate the submissions of the Heads of Service and report to the Executive.

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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.

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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

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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.
- 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.

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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.

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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

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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

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- 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.

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 Councils 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.

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### 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 Councils 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.

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### 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.

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### BUDGET REPORTING

- A. The Capital Forum Group will report to the Operational Board, at least quarterly, on progress of the capital programme.
- B. The Operational Board will report to SLB at least quarterly on progress of the Capital Programme.
- C. Executive shall hold SLB members to account for their performance on implementing the capital programme and for their use of capital resources.
- D. The Deputy Chief Executive (Corporate Direction) will report twice yearly to Council on the overall financial position in relation to over/under-spends and anticipated slippage.
- E. The Deputy Chief Executive (Corporate Direction) shall report outturn expenditure to Executive and to Council.

### SUPPLEMENTARY APPROVAL / VIREMENT

- A. 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.
- B. 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.

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- Executive will be authorised to approve an individual supplementary estimate of £50,000 up to a maximum of £500,000 per annum in aggregate.

**C.** 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

**A.** 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.

**B.** The Deputy Chief Executive (Corporate Direction) may carry out an audit of any capital project, either while it is in progress or after completion.

**C.** 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.

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## 11. CONTRACTS

**A.** 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.

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### 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

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**E.** Payments on Account to contractors must be made only on a certificate authorised by a Head of Service or other authorised supervising officer.

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**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

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**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 Head of Corporate & Scrutiny Services 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.

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**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. 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.

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## 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

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- 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

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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.

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### 13. INTERNAL AUDIT

- A. The Deputy Chief Executive (Corporate Direction) is authorised, under the terms of regulation 6 of the Accounts and Audit Regulations 2003, to arrange the internal audit of the financial affairs 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.

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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.

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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.

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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.

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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.

#### 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 31<sup>st</sup> 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 31<sup>st</sup> 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 31<sup>st</sup> 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.

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#### MISCELLANEOUS SALES

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.

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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.

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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.

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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.

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C. The Council will approve the Treasury Management Policy.

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.

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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. All money in the hands of the Council shall be under the control of the Deputy Chief Executive (Corporate Direction).

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G. All funds are to be aggregated for the purposes of treasury management.

H. All investments must be in the name of the Council or in the names of nominees approved by the Council.

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I. The Deputy Chief Executive (Corporate Direction) must keep all securities for property in the Council or approved nominees safe.

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J. The Deputy Chief Executive (Corporate Direction) is the Council's registrar for all stocks, bonds and mortgages.

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K. The Deputy Chief Executive (Corporate Direction) keeps the record of all Council borrowing.

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L. All trust funds must be in the name of the Council, wherever possible.

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M. 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.

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## 16. ORDERS FOR WORK, GOODS AND SERVICES

### AUTHORISATION

Orders will be authorised electronically using the Procurement Module of the Civica Authority Financials package

#### 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).

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

- Must be approved by a member of the Corporate Operational Board

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#### 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.*

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### 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

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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 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 ESPO / OGC arrangements in place
- ◆ No current Corporate Contracts in place

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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 Manager must be consulted.**
- D. £50,001 and above
  - The normal tendering procedure set out in Contract Procedure Rules applies **and the Council's Procurement Manager 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.

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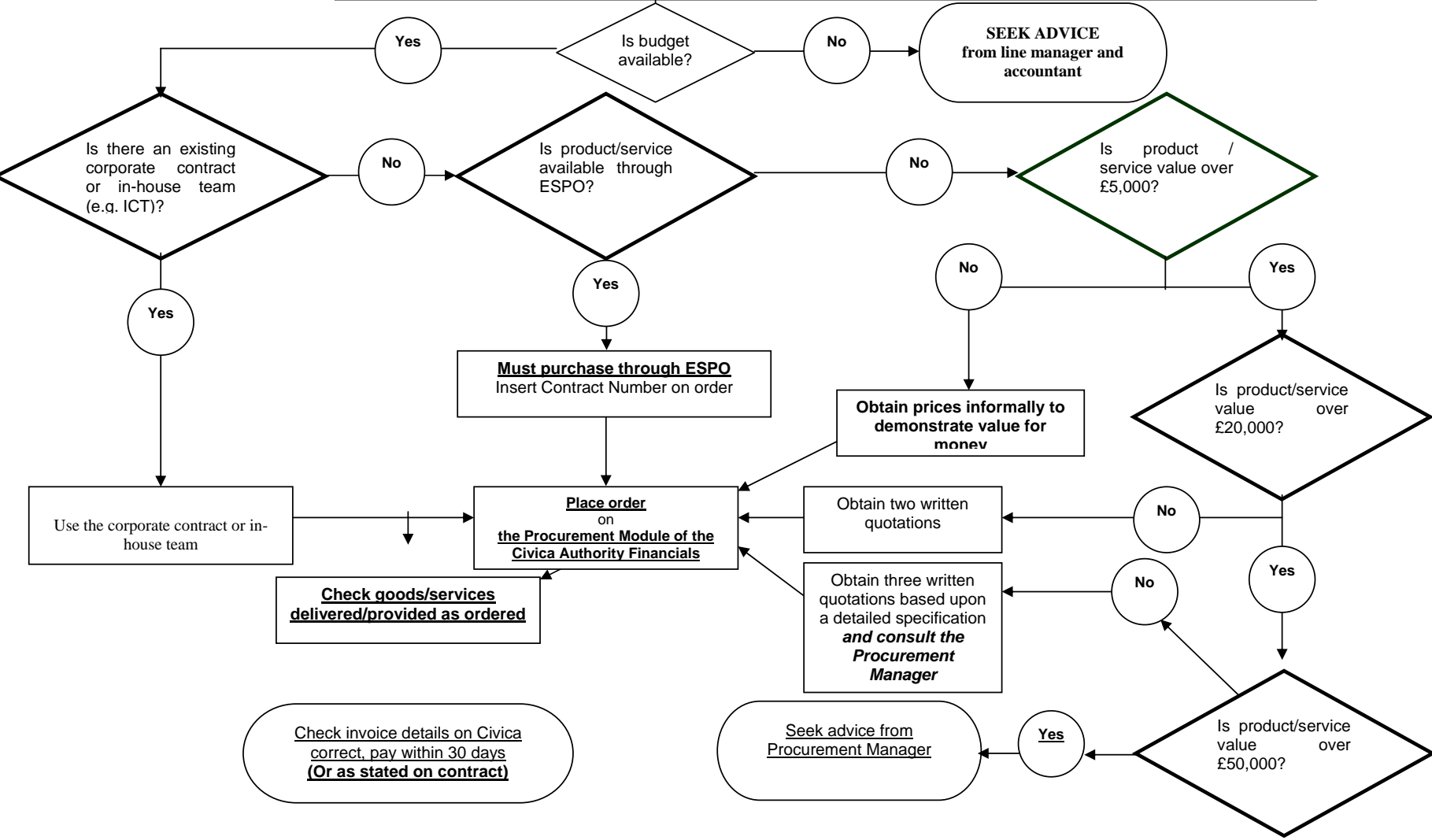
## **EXCEPTIONS**

An SLB Member, after consulting the Deputy Chief Executive (Corporate Direction), may waive the regulations on annual contracts and order limits in the following circumstances.

- a) 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
- b) there would be no genuine competition on account of the uniquely specialised nature of the goods/services (sole supplier).
- c) the appropriate SLB Member is of the opinion that the goods/services consist of repairs/supply of parts to an existing proprietary machinery/plant
- d) 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
- e) 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 relevant SLB Member must obtain Executive approval by submitting a report to Executive setting out his/her proposal.
- f) the SLB Member 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 quotations/tenders, or where compliance would mean that less favourable terms or conditions would have to be accepted.
- g) 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.

***IN ALL CASES, THE COUNCIL'S PROCUREMENT MANAGER MUST BE CONSULTED.***

**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.

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## 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.

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## 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

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- 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.

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**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.

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**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.

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**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.

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**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.

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## 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.

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## 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 years 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. 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.
- G. The report to Executive revising the charges will include both the current charges and the proposed revised charges.
- H. Executive will agree the scale of fees and charges and any amendments.
- I. 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
- J. Proposed budgets must be reported to Council (with Executive recommendations) during the February/March period.
- K. Council must have decided on an approved budget before 11<sup>th</sup> March each year, in order to set the council tax.

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## 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.

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## VARIATIONS

- Before approval the Chief Executive will require assurance from the relevant SLB Member that all necessary steps to achieve compensating 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.

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## 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.

## 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.

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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.

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## 25. SALARIES, WAGES AND PENSIONS

A. The Head of Corporate & Scrutiny Services is responsible for the payment to all current and former employees of :

- Salaries
- Wages
- Pensions
- Compensation
- Other emoluments

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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:

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- Commencement of employment, resignation, dismissal, suspension, secondment or transfer.
- Absence from duty for sickness or other reason (excluding approved leave).
- Regrading

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C. Heads of Service are responsible for the accuracy of :

- Records of attendance
- Holiday entitlement
- Absence

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D. Records must be certified by:

- The Head of Service or,
- An officer authorised by the Head of Service

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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.

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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 Head of Corporate & Scrutiny Services 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.

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J. Time sheets must be certified by any one of:

- Line Manager
- Head of Service
- Chief Officer.

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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 Head of Corporate & Scrutiny Services 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

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- 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.

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**27. STAFFING CHANGES**

- A. Chief Officers must inform the Head of Corporate Services 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. Each month the Deputy Chief Executive (Corporate Direction) will report to the Strategic Leadership Board on the employee expenditure budget and spend to date.
- D. 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 Head of Corporate Services 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 Head of Corporate Services for:
- Car Allowances
  - Subsistence Allowances
  - Travelling
  - Incidental expenses
- C. All such monthly claims must be properly certified and submitted to the Head of Corporate Services no later than the 13<sup>th</sup> of the next month.
- D. Claims must be certified by any one from :
- Chief Officer
  - Head of Service
  - Line Manager

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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.

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F. A complete review of the schedule must be carried out annually.

G. A certification means that the certifying officer is satisfied that :

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- 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 Head of Corporate Services.

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.

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• **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. **Income** from the sale of assets or the repayment of capital grants or loans.

• **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.
- 4.2 Notwithstanding compliance with EC Public Procurement Rules, Tenders 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.

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 one local newspaper circulating in the area of the Authority and in such trade journals as the Chief Officer has considered appropriate 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).

## 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 PRE-VETTED COMPANY LIST**

8.1 Tenders may be invited from companies held on a pre-vetted companies list, for example Constructionline, ESPO. However, when a tender falls under the scope of EC Procurement Public Rules, their timescales and advertising requirements shall apply (seek advice from the Council's Procurement Officer).

## **9 ESTABLISHED PROCUREMENT SPECIALIST**

9.1 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.

## **10 SELECTION OF TENDERERS OR INVITEES**

10.1 The selection of persons from whom tenders shall be invited shall be delegated to the appropriate Chief Officer or his/her nominated representative.

10.2 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.

## **11 FORM OF INVITATION TO TENDER AND SUBMISSION OF TENDERS**

11.1 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.

11.2 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.

11.3 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.

## 12 EXTENSION OF TIME

12.1 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: -

12.1.1 **Open competitive tenders** - in accordance with paragraph 5.

12.1.2 **Ad hoc approved list/Pre-vetted company list/ Established procurement specialist** - by giving written notice to each of the selected contractors.

12.1.3 **Standing approved list** - by giving written notice to each of the relevant persons on the list.

## 13 OPENING OF TENDERS

13.1 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.

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13.2 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:

13.2.1 the last date and time for the receipt of tenders

13.2.2 the date and time the tender was actually received

13.2.3 the name of the tenderer and the amount of the tender

13.2.4 the date and time they were opened.

13.2.5 the signature of the officer to whom the tenders were handed after opening.

13.3 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.

13.4 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.

## 14 LATE TENDERS

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

14.2 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.

## 15 ALTERATIONS TO TENDERS

15.1 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.

**16 ACCEPTANCE OF TENDERS**

16.1 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.

**17 CONTRACTS TO BE IN WRITING**

17.1 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.

17.2 Every contract shall specify, amongst other things:

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

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

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

17.2.4 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.

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

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

**18 ASSIGNMENT**

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

18.2 "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"

**19 LIQUIDATED DAMAGES**

19.1 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).

**20 PERFORMANCE BONDS**

20.1 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.

## 21 **RETENTION**

- 21.1 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.

## 22 **AGENCY WORK**

- 22.1 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.

## 23 **CANCELLATION**

- 23.1 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

## 24 **NOMINATED SUB-CONTRACTORS**

- 24.1 Subject to 18.2, where a sub-contractor or supplier is to be nominated to a main contractor the following provisions shall have effect.
- 24.2 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.
- 24.3 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.

## 25 **ENGAGEMENT OF CONSULTANTS**

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

## 26 **COMPLIANCE WITH RULES**

- 26.1 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

## 27 **BREACHES OF RULES**

- 27.1 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.

## 28 **REVIEW OF FINANCIAL LIMITS**

- 28.1 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);
- (b) a Chief Officer (including the Deputy Chief Executive); or
- (c) 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.

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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.

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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.

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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;

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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;

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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.

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## 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.

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## 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.

Deleted: 1. Introduction¶

¶ This Protocol is intended to help Members appreciate the background into probity in local government and to enable them to adopt more detailed standards of behaviour which the Council has identified as being important and which build on both the Members' Code of Conduct and the ten Principles of Public Life set out below.¶

¶ This Protocol is a guide to the basic elements of the relationship between members to help promote trust, fairness, and openness, as well as to avoid conflict or deal with it if it does arise. It is a central element of the Council's corporate governance as a commitment to upholding standards of conduct in public life. It is also a way of demonstrating to the public at large that the local authority is serious about protecting and enhancing its integrity and reputation.¶

¶ **2. Ten Principles of Public Life¶**

¶ The Principles of Public Life as laid down in the Relevant Authorities (General Principles) Order 2001 are:¶

¶ **Selflessness¶**

¶ Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.¶

¶ **Honesty and Integrity¶**

¶ Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.¶

¶ **Objectivity¶**

¶ Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.¶

¶ **Accountability¶**

¶ Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate. ... [83]

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## CODE OF CONDUCT OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL

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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.

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**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.

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1.2 This Code applies to **you** as a member of Hinckley and Bosworth Borough Council.

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1.3 It is **your** responsibility to comply with the provisions of this Code and ensure all obligations are met.

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1.4 In this Code:

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**"Meeting"** means any meeting of:

(a) the Authority;

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(b) the Cabinet of the Authority;

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(c) any of the Authority's or its Cabinet's committees, sub-committees, joint committees, joint sub-committees, or area committees;

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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.

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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.

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**2. Scope**

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2.1 You must comply with this Code whenever you

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2.1.1 act, claim to act or give the impression you are acting as a representative of your Authority

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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)

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2.2 Where you act as a representative of Hinckley and Bosworth Borough Council

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2.2.1 on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct

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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.

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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. Formatted: Bullets and Numbering

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). Formatted: Bullets and Numbering

### 3. Other Obligations Formatted: Bullets and Numbering

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. Formatted: Bullets and Numbering

(b) Follow the law in relation to policies of the Council and its legal obligations. Formatted: Bullets and Numbering

(c) Not to disclose or use confidential information for any other purpose other than that provided by the law. Formatted: Bullets and Numbering

(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. Formatted: Bullets and Numbering

## PART 2 INTERESTS

### 4. Disclosable Pecuniary Interests Formatted: Bullets and Numbering

4.1 Subject to Paragraph 7 (sensitive interests), you must within 28 days of Formatted: Bullets and Numbering

(a) this code being adopted or Formatted: Bullets and Numbering

(b) your election or appointment (where that is later) Formatted: Bullets and Numbering

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

(i) yours. Formatted: Bullets and Numbering

(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 Formatted: Bullets and Numbering

4.3 You have a Disclosable Pecuniary Interest if it is of a description specified in Regulations made by the Secretary of State Formatted: Bullets and Numbering

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 Formatted: Bullets and Numbering

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.

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Deleted: 5. Resolving Conflict

Under the Members' Code of Conduct, Members have a duty to report breaches of the Code of which they become aware to the Standards Board of England. There may be, however, situations of conflict or inappropriate behaviour which, whilst not constituting a breach of the Code, if addressed early can perhaps avoid it deteriorating in

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# Protocol on Member/Officer Relations

## Contents

### Section

Introduction

- 1 Officer Neutrality
- 2 Provision of Information to Councillors
- 3 Entitlement to Briefing
- 4 Council, Executive and Committee Meetings
- 5 Regulatory Committees
- 6 Councillor Involvement in Operational Matters
- 7 Media Relations and Published Material
- 8 Election Periods
- 9 Resolving Problems

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¶  
Registration of Members' Interests¶

¶  
Registration of members' interests¶

¶  
13. . (1) . Subject to paragraph 14, you must, within 28 days of:¶

¶  
(a) . this Code being adopted by or applied to your authority; or¶

(b) . your election or appointment to office (where that is later),¶

¶  
register in your authority's register of members' interests (maintained under section 8 1(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.¶

¶  
(2) . Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's Monitoring Officer.¶

¶  
Sensitive information¶

¶  
14. . (1) . Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's Monitoring Officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.¶

¶  
(2) . You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's Monitoring Officer asking that the information be included in your authority's register of members' interests.¶

¶  
(3) . In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

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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.

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## 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 &amp; 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 &amp; must operate through the Council &amp; its committees.</p>	<p>Officers should recognise the rights of Members as elected representatives to determine policy.</p> <p>The officer as an employee has a primary loyalty &amp; duty to the Council as a whole.</p>

## 2. Provision of Information to Councillors

<u>Convention</u>	<u>Councillors</u>	<u>Officers</u>
<p>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 <u>not</u> where:</p> <ul style="list-style-type: none"> <li>• The information is primarily needed for a non-Council purpose; or</li> <li>• There is a conflict of interest; or</li> <li>• There is an over-riding individual right of confidentiality under data protection legislation (for example, in an employment matter); or</li> </ul> <p>The resources needed to supply the information would be unreasonable.</p>	<p>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.</p>	<p>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.</p>
<p>2.2 Councillors are normally entitled to be given information on a confidential basis, the exceptions being:</p>	<p>Councillors should ensure that the need for confidentiality is made clear to officers.</p>	<p>The Councillor must be told immediately if an exception applies.</p>

- 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.

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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.

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#### 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.

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)

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.

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.

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**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

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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.

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## **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.

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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**

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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

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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.

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## **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

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You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register which will be available for public inspection on the occasion of the public inspection of the authority's accounts for the relevant year. But note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3, below.

### **3. Reporting**

Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £25<sup>1</sup> 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

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Deleted: 2.5 A Planning Committee member who represents a ward affected by an application is in a difficult position if it is a controversial matter around which a lot of lobbying takes place. If the member responds to lobbying by deciding to go public in support of a particular outcome - or even campaigning actively for it - it will be very difficult for that member to argue convincingly, when the committee comes to take a decision on the application, that he or she has carefully weighed the arguments presented - perhaps in some respects for the first time - at the meeting. Whilst in most circumstances this would not amount to a prejudicial interest in terms of the Members Code of Conduct, the proper course of action for such a member would be to make an open declaration and not vote.¶

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Deleted: 2.7 Where a Member of the Committee decides to publicly support a particular outcome prior to its consideration by Committee, the Member should make an open declaration to the Committee of this fact and neither take part in the Committee discussion or vote. A record of this fact shall be made in the Committee minutes.¶

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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.

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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.

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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.

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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.

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## 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.

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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.

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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.

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## 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.

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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.

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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.

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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.

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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.

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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.

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## 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.

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8.2 Training with regard to planning shall be offered to Parish Councils.

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## **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.

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(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 of 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 25<sup>th</sup> 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:

	£
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

- Deleted: Standards Committee Chairman (co-optee's allowance) 1,645
- Deleted: Personnel Committee
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# 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.](#)



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><u>1.21 Designation of Corporate Property Officer</u></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><u>Estates and Asset Manager</u></p>
<p><b>2 Elections, Electoral Registration and Members.</b></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>

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2. . Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards)

Powers and Duties	The Designated Officer for this Function
<p><b>3 Financial</b></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><b>4 Meetings of the Council and Committees.</b></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. <del>Democratic Services Officer or nominee</del> Deleted: .</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Deputy Chief Executive (Corporate Direction) 3. <del>Democratic Services Officer or nominee</del> Deleted: .</p> <p>1. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) 2. Deputy Chief Executive (Corporate Direction) 3. <del>Democratic Services Officer or nominee</del> Deleted: .</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><b>5. Matters reserved for Council (Part 3 of the Constitution)</b></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. <del>Monitoring Officer (Disciplinary issues)</del></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. <b>Ethical Governance &amp; Personnel Committee</b></p> <p>6.1 Notices and other documents related to functions of the <b>Ethical Governance &amp; Personnel Committee</b></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. <b>Emergency Committee</b></p> <p>7.1 Documents relating to decisions of the Emergency Committee.</p>	<p>Chief Executive</p>
<p>8. <b>Planning Committee</b></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. <b>Licensing Committee</b></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. <b>Ethical Governance &amp; Personnel Committee</b></p> <p>10.1 Documents relating to duties, functions and decisions</p>	<p>1. Monitoring Officer</p>

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6.2 Documents relating to JCC Employees Panel.¶

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2. Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) ¶

Deleted: Standards Committee

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

**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)

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- Deleted: Operations Manager (Refuse and Recycling)¶
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**(b) Posts below the specified salary level (SCP44)**

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

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- Deleted: Corporate Performance Manager ¶

## 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.

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#### 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.

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#### 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.

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#### 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.

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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](mailto:committeeservices@hinckley-bosworth.gov.uk)

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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.

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AND BOSWORTH  
BOROUGH COUNCIL**  
**CUSTOMER  
COMPLAINTS/COMPLIMENT  
S PROCEDURE**

**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.

**What is a Compliment?**

A compliment is an expression of satisfaction, however made, about the standard of service, action or individual staff members performance affecting an individual of group of customers.

**Who can complain or make a compliment?**

Anyone using any of the Council's services can complain or compliment 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.

**Compliments**

A compliment should be made in writing, over the telephone or by email to the Corporate Governance Officer [pat.pitt@hinckley-bosworth.gov.uk](mailto:pat.pitt@hinckley-bosworth.gov.uk) 01455 255770. Alternatively you can contact the appropriate Officer or line manager.

**Complaints**

**First Stage**



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

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<#>Chairman of Personnel Committee . . . . . ¶

### Additional Roles

- Deputy Group Leader
- [Appeals Panel Member](#)

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## 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.

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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.

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#### 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.

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#### 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.

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#### 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.

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### 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)

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- 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

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#### 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

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#### Political Understanding

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## 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.

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### 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

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#### 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

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#### 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

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## 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

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## 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

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## Providing Vision

### Knowledge

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

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## Excellence in Leadership

- Strong commitment to delivering excellent public services

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### 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

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### 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

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## 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.

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### 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

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#### 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

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#### 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

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#### 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

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#### 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

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#### Providing Vision

##### Knowledge

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

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#### Excellence in Leadership

- Strong commitment to delivering excellent public services

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##### 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

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##### 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

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## 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.

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### 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

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#### 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

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#### Communication Skills

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

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- 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

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#### 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

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#### Providing Vision

##### Knowledge

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

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#### 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

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##### 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

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- 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

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### 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

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#### 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

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#### 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

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#### 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

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## 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

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## 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

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## 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

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### 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

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## 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.

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#### 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.

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#### 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.

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#### 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.

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### 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

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- 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

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#### 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

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#### 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

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## Chairman of Finance, Audit & Performance Committee

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### 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:

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- 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.

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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.

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### 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.

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### 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.

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### 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.

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### 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

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- 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](#)

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### 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

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### 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

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### 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

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## Chairman of Ethical Governance & Personnel Committee

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### 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.

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### 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

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#### Working in Partnership

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

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#### 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

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## Chairman of Planning Committee

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### 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.

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### 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

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#### Working in Partnerships

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

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#### 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

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## 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.

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### 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.

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#### Working In Partnership

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

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#### 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

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## 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

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Governance & Personnel  
Committee in accordance with  
its terms of reference. ¶  
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disciplined approach by the  
Members involved having  
regard to high standards of  
behaviour and ethics ¶  
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all dealings with the public,  
media and other bodies in  
respect of the work of the  
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Council's policies relating to  
Corporate and Personnel  
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Committee having regard to its  
terms of reference and current  
challenges facing the  
authority's human resources¶  
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legislation and local/national  
developments relating to  
personnel matters, and their  
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particularly with senior officers  
involved in the supporting and  
advising the Committee. ¶

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Communication Skills

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questioning skills. ¶  
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**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

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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

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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

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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

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## Responsibilities of Members of the Appeals Panel

Additional Role

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### 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

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### 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.

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### 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

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#### Communication Skills

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

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Member of the Appeals Panel¶  
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# 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.

Field Code Changed

### 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 Commission<sup>1</sup>
- 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 Executive<sup>2</sup> 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.

<sup>1</sup>The 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

<sup>2</sup>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)**

<b>PARISH</b>	<b>CONSTITUENTS</b>	<b>SIGNATURES REQUIRED TO CALL SENIOR OFFICER BEFORE SCRUTINY COMMISSION</b>	<b>SIGNATURES REQUIRED TO TRIGGER COUNCIL DEBATE</b>
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
Groby	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.

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### **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

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Planning Committee	To undertake regulatory and other related functions of the Council as Local Planning Authority and Building Control Authority.	
Personnel Committee	To administer the Council's Personnel policies as they affect individual employees and to liaise with the Executive in Personnel Policy Development.	
Licensing Committee	Under the direction of the Council to undertake duties of the Council as Licensing Authority for duties under the Licensing Act 2003 and Gambling Act 2005	
Regulatory Committee	Under the direction of the Council to undertake duties of the Council as the regulatory authority for Environmental Health, Waste Collection and Finance Authority, in addition to the relevant duties in relation to taxi and private hire vehicles, small lotteries and amusements, street collections, gaming, gaming machines, street trading consents, under the relevant Acts.	
Standards Committee	To promote and maintain high Standards of Conduct by Councillors and Co opted Members.	
Emergency Committee	authority to exercise any of the functions of the Full Council or Executive which are necessary in the case of a major incident to fulfil the Council's role as determined in its Emergency Plan, or in other urgent cases, except where the Head of Paid Service or s151 Officer has the statutory power to act.	

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Planning Committee	will consist of 17 members of the Council chosen to represent the authority as closely as possible the political and geographical balance of the Council. The Committee will not include the Executive Member with responsibility for Development Control matters, but can include a maximum of three other Executive Members.	
Personnel Committee	will consist of seven members of the Council and will include the Executive Member with the relevant portfolio.	
Licensing Committee	will consist of 11 members of the Council.	
Regulatory Committee	will consist of 11 members of the Council.	
Standards Committee	will consist of nine members made up of one elected member from each Political Group (other than Mayor or Leader), 3 independent members, 3 Parish members.	
Emergency Committee	will consist of seven members of the Council including the Leader of the Council, 3 other Executive Members (appointed by the Leader of the Council) and Leader and Deputy Leader of the opposition group & one Member representing any other party(ies) on the Council.	

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# Ethical Governance & Personnel Committee

## 9.1 Membership

- (a) **Elected Members.** Elected Members will be entitled to vote at meetings

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. At least one Borough Councillor must be present at all Standards Committee Meetings and Sub Committee meetings when business relating to members of the Borough Council are being considered.

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- (b) **Independent Members.** Independent Members will be entitled to vote at meetings. At least one Independent Member must be present at all Standards Committee or Subcommittee meetings. Any independent members must comply with the requirements set out in the Guidance issued by the Standards Board and that guidance will be used to select the independent members.

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- (c) **Parish Members.** Parish Members will be entitled to vote at meetings. At least one parish Member must be present when matters relating to Parish Councils or their Members are being considered.

- (d) **Chairing the Committee.** The chair of the Standards Committee will be one of the independent members, as selected by the Council at the start of the four year cycle or at the next available meeting of the Council, if the position becomes vacant during that period.

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- (f) **Sub-Committees.** For the purpose of local assessment, review of complaints and consideration of investigation reports, a Sub-Committee will be called, comprising of 3 members of the Standards Committee, to be chaired by an independent chair and include a Parish representative (where the complaint concerns a Parish Councillor).

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## 9.2 Role and Function

- (a) **Governance:**

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The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Councillors and co-opted Members;
- (b) assisting the Councillors and co-opted Members to observe the Members' Code of Conduct;
- (c) advising the Council on the adoption or revision of the Members' Code of Conduct and protocols for Members and/or officers
- (d) monitoring the operation of the Members' Code of Conduct;
- (e) advising, training or arranging to train the Mayor, Councillors and co-opted Members on matters relating to the Members' Code of Conduct;

- (f) granting dispensations to Councillors and co-opted Members from requirements relating to interests set out in the Members' Code of Conduct;
  - (g) dealing with any reports from a case tribunal, Standards Committee or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by the Standards committee to the Monitoring Officer.
- overview of any Anti-Fraud and Corruption Policy.
- (i) keep under review the Council's complaints procedures.
  - (j) keep under review the Members' and Officers' Registers of Interests.
- overview Ombudsman investigations.
- exercising (a) to (g) above in relation to the Parish Councils wholly in Hinckley & Bosworth Borough Council's area and their elected Members.
- initial assessment of complaints concerning elected and co-opted Members.
- dealing with dispensations relating to politically restricted posts.
- granting dispensations to employees from political restrictions.

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Acting in accordance with delegated functions in Part 3 of this Constitution.

(b) **Personnel:**

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### 9.3 Terms of Reference - Standards Sub-Committees

#### 1. Standards (Assessment) Sub-Committee

- 1.1 The purpose of the Standards (Assessment) Sub-Committee will be to receive and consider all written complaints that allege that any member or co-opted member of the authority concerned has failed, or may have failed to comply with that authority's code of conduct.
- 1.2 A Standards (Assessment) Sub-Committee must take one of the following decisions once it has considered the complaint put before it:
  - a) That no action be taken in respect of the complaint;
  - b) That the complaint be referred to the monitoring officer for investigation or other action;
  - c) That the complaint be referred to the Standards Board for England
  - d) Seek additional information.

#### 2. Standards (Review) Sub-Committee

- 2.1 The purpose of a Standards (Review) Sub-Committee is to review the decision of the Standards (Assessment) Sub-Committee that no action be taken in respect of the complaint made, if the person making the complaint has requested that a review be held.
- 2.2 A Standards (Review) Sub-Committee must meet within three months of receipt of the request to review the complaint, in order for the review to take place.
- 2.3 A Standards (Review) Sub-Committee is able to make one of the following decisions:
  - a) That no action be taken in respect of the complaint;
  - b) That the complaint be referred to the monitoring officer for investigation or other action;
  - c) That the complaint be referred to the Standards Board for England

- d) See additional information.
- 2.4 Should new information come to light regarding a complaint during consideration of a request for a review of the original decision to take no further action, then the Standards (Review) Sub-Committee can be formed as a Standards (Assessment) Sub-Committee to consider the new information presented.

### 3 Standards (Consideration) Sub Committee

- 3.1 The purpose of a Standards (Consideration) Sub Committee is to hear the outcome and findings of the Investigating Officers report and determine whether the action and recommendation proposed is supported.
- 3.2 A Sub Committee must determine
  - a) To take no further action
  - b) Refer the matter to the Determination Committee
  - c) Refer the matter back to the Investigating Officer for clarification
  - d) Refer the matter to the Standards Board For England where it is considered sensitive or too serious for the Standards Committee to determine.

### 4. Standards (Determination) Committee

- 4.1 The purpose of a Standards (Determination) Committee is to hear and determine any complaint that any member or co-opted member of the authority concerned has failed, or may have failed to comply with that authority's code of conduct.
- 4.2 A Standards (Determination) Committee must meet within three months of the date of which a report regarding a complaint is completed by the monitoring officer, or the date of which the monitor officer receives a report that has been referred to the monitoring officer by the ethical standards officer.
- 4.3 A Standards (Determination) Committee, if it deems that a breach of the code of conduct has taken place, is able to impose any of the following sanctions:
  - Censure of that member;
  - Restriction for a period not exceeding six months of that member's access to the premises of the authority or that member's use of the resources of the authority, provided that those restrictions-
    - (i) are reasonable and proportionate to the nature of the breach; and
    - (ii) do no unduly restrict the persons ability to perform the functions of a member;
  - 3 Partial suspension of that member for a period not exceeding six months;
  - 4 Suspension of that member for a period not exceeding six months;
  - 5 That the member submits a written apology in a form specified by the standards committee;
  - 6 That the member undertakes such training as the standards committee specifies;
  - 7 That the member participates in such conciliation as the standards committee specifies;

- 8 Partial suspension of the member for a period six months or until such time as the member submits a written apology in a form specified by the standards committee.
- 9 Partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the standards committee specifies;
- 10 Suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the standards committee;
- 11 Suspension of a member for a period not exceeding six months or until such time as that member has undertaken such training or has participated in such conciliation as the standards committee specifies.

5. Policies and Procedures for Dealing with Complaints

The complaints process, flow chart and criteria for assessment are reviewed periodically and can be found on the Council's website under Complaints about Councillors and are available on request.

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1.	<b>Corporate Issues</b>		
1.1	Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)	Council	<p>Delegated authority to individual Officer-Member review teams to undertake reviews.</p> <p>Appropriate Committee to overview progress of all Best Value Reviews.</p> <p>Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive.</p> <p>Executive to consider Best Value reports and make recommendations to Council.</p> <p>Executive Member with Performance portfolio to have overall responsibility.</p>
1.2	Comprehensive Area Assessment	Council	<p>Authority to approve Self Assessment.</p> <p>Authority to approve Improvement Plan.</p> <p>Authority to agree draft report or appeal decision.</p>
2.1	<b>Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b>	Council	<ul style="list-style-type: none"> <li>• Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee).</li> <li>Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>• Delegated to the Appeals</li> </ul>

		Panel of Members not involved in original decision.
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1. <b>Corporate Issues</b>		
1.1 Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)	Council	Delegated authority to individual Officer-Member review teams to undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.
1.2 Comprehensive Area Assessment	Council	Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.

2.1 <b>Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b>	Council	<ul style="list-style-type: none"> <li>Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>
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1. <b>Corporate Issues</b>		
1.1 Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)	Council	Delegated authority to individual Officer-Member review teams to undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value



1.2 Comprehensive Area Assessment	Council	<p>reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.</p> <p>Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.</p>
2.1 <b>Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b>	Council	<ul style="list-style-type: none"> <li>• Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>• Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>

<b>1. Corporate Issues</b>		
1.1 Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)	Council	<p>Delegated authority to individual Officer-Member review teams to undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.</p>
1.2 Comprehensive Area Assessment	Council	<p>Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.</p>
2.1 <b>Determination of an</b>	Council	<ul style="list-style-type: none"> <li>• Delegated to parent Committee</li> </ul>

<p><b>appeal against any decision made by or on behalf of the Authority where authority exists.</b></p>		<p>if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</p> <ul style="list-style-type: none"> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>
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<p><b>1. Corporate Issues</b></p> <p>1.1 Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)</p> <p>1.2 Comprehensive Area Assessment</p>	<p>Council</p> <p>Council</p>	<p>Delegated authority to individual Officer-Member review teams to undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.</p> <p>Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.</p>
<p><b>2.1 Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b></p>	<p>Council</p>	<ul style="list-style-type: none"> <li>Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>

<p>4.3 To any committee or sub committee of such a</p>		<p>Appointment to Scrutiny Panel by Scrutiny Commission or Finance, Audit</p>
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body and the revocation of any such appointment.		& Performance Committee.
43.3.4 Appointment of an Executive Member to an outside body in respect of an Executive function.	Executive	Leader of Council.

<b>1. Corporate Issues</b>		
1.1 Conducting Best Value Reviews / Continuous improvement (Section 5, Local Government Act 1999)	Council	Delegated authority to individual Officer-Member review teams to undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.
1.2 Comprehensive Area Assessment	Council	Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.
2.1 <b>Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b>	Council	<ul style="list-style-type: none"> <li>Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>

<b>1. Corporate Issues</b>		
1.1 Conducting Best Value Reviews / Continuous	Council	Delegated authority to individual Officer-Member review teams to

<p>improvement (Section 5, Local Government Act 1999)</p> <p>1.2 Comprehensive Area Assessment</p>	<p>Council</p>	<p>undertake reviews. Appropriate Committee to overview progress of all Best Value Reviews. Scrutiny Commission to scrutinise Best Value Review reports and make observations to Executive. Executive to consider Best Value reports and make recommendations to Council. Executive Member with Performance portfolio to have overall responsibility.</p> <p>Authority to approve Self Assessment. Authority to approve Improvement Plan. Authority to agree draft report or appeal decision.</p>
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<p>2.1 <b>Determination of an appeal against any decision made by or on behalf of the Authority where authority exists.</b></p>	<p>Council</p>	<ul style="list-style-type: none"> <li>Delegated to parent Committee if original decision taken by Sub Committee (except Licensing Committee). Where the appeal is a review of a decision of the Standards Assessment Subcommittee this is reserved for the review subcommittee only.</li> <li>Delegated to the Appeals Panel of Members not involved in original decision.</li> </ul>
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<p>1. Adoption and amendment of the Council's (Best Value) Performance Plan.</p> <p>21. Adoption and amendment of the Borough Community Plan.</p>	<p>None.</p> <ul style="list-style-type: none"> <li>To the Local Strategic Partnership to approve.</li> <li>Council to endorse and adopt Community Plan.</li> </ul>
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<p>7. Approval and amendment of:-</p> <p>Economic Development Strategy Workforce Development People Management Strategy Cultural Services Strategy Green Space Strategy Licensing and Gaming</p> <p>86. Approval, adoption and amendment of the corporate and personnel policies.</p>	<p>None Personnel Committee</p> <p>None None None</p> <p>Ethical Governance &amp; Personnel Committee</p>
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	NB: Action Plans in relation to Strategies referred to in 5, 6, 7, 8 above to Chief Executive, Deputy Chief Executive or relevant Head of Service.
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1. Adoption and amendment of the Council's (Best Value) Performance Plan.	None.
21. Adoption and amendment of the Borough Community Plan.	<ul style="list-style-type: none"> <li>To the Local Strategic Partnership to approve.</li> <li>Council to endorse and adopt Community Plan.</li> </ul>

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1. Adoption and amendment of the Council's (Best Value) Performance Plan.	None.
21. Adoption and amendment of the Borough Community Plan.	<ul style="list-style-type: none"> <li>To the Local Strategic Partnership to approve.</li> <li>Council to endorse and adopt Community Plan.</li> </ul>

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1. Adoption and amendment of the Council's (Best Value) Performance Plan.	None.
21. Adoption and amendment of the Borough Community Plan.	<ul style="list-style-type: none"> <li>To the Local Strategic Partnership to approve.</li> <li>Council to endorse and adopt Community Plan.</li> </ul>

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45. Determination of complaints under the provisions of the Higher Hedges Regulations 2005 specifying remedial action required to resolve complaints received under the Higher Hedges Regulations 2005, specifying remedial action required to resolve the complaints in accordance with the national guidance and initiating enforcement action if necessary; and to authorise officers to enter land in order to deal with complaints and enquiries relating to high hedges as defined by paragraph 8 of the Anti-social Behaviour Act 2003.	Chief Executive and Deputy Chief Executive (Community Direction) Head of Planning Development Control Manager Principal Planning Officers
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<b>Health &amp; Safety at Work Functions</b>	
Functions under any of the 'relevant statutory provisions' within the meaning of Part 1 of the Health and Safety at Work Etc Act 1974	Qualified Environmental Health and Technical Officers

relating to enforcement duties and not in the Authority's capacity as an employer

Power of entry and to authorise entry for persons accompanying Health and Safety Inspector (Section 20)

Delegate to all inspectors appointed under Section 19 HSatWA

Improvement notices (Section 21)

Delegated to all inspectors appointed under Section 19, except legal/default action

Prohibition notices (Section 22)

Delegated to all Environmental Health Officers appointed under Section 19, except legal/default action

Transfer and assignment of premises under the Health and Safety (Enforcement Authority) Regulations 1987

Delegated to Deputy Chief Executive (Community Direction)/Environmental Health Manager (Commercial)

Power to appoint persons other than Council Officers (Section 19)

Delegated to Deputy Chief Executive (Community Direction)/Environmental Health Manager (Commercial)

Powers contained in the Health Act 2006 in relation to Smoke Free legislation, including the authority to delegate functions contained in

The Smoke Free (Premises and Enforcement) Regulations  
 The Smoke Free (Signs) Regulations  
 The Smoke Free (Penalties and discounted Amounts ) Regulations  
 The Smoke Free (Vehicle Operators and Penalty Notices) Regulations  
 To suitably qualified Officers

Delegated to Deputy Chief Executive (Community Direction) Environmental Health Manager (Commercial)

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5. Determination of small society registrations under the Gambling Act 2005

Principal Licensing Officer

65. Power to suspend or revoke hackney carriage and private hire driver, vehicle and operator's licences, Local Government (Miscellaneous Provisions) Act 1976 Section 60, 61 (as extended by Section 52 of the Road Safety Act 2006) and 62

- Principal Licensing Officer/Chief Officer (Environmental Health
- Environmental Health Manager (Commercial)
- Principal Licensing Officer

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11. Licensing Act 2003 - Variation of Premises Licence (S34)/Club Premises

Licensing Sub-Committee

Certificate (S84)

1211. Licensing Act 2003 - Variation of Designated Premises Supervisor (S37)

Deputy Chief Executive (Community Direction) or Principal Licensing Officer (no objections)

- Licensing Sub-Committee (objections/police objection)
- Deputy Chief Executive (Community Direction) or Principal Licensing Officers (all other cases)

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Licensing Act 2003 -		
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Deputy Chief Executive (Community Direction) or Principal Licensing Officer (no objections)		
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Licensing Act 2003 -		
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Deputy Chief Executive (Community Direction) or Principal Licensing Officer (no objections)		
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Deputy Chief Executive (Community Direction) or Principal Licensing Officer		
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Deputy Chief Executive (Community Direction) or Principal Licensing Officer (all cases)

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m. Initial assessment of complaints concerning elected and co-opted Members	Assessment Sub-Committee	
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(d) the identity of the Consultees before the decision is taken and the means of such consultation, including the Scrutiny Commission;		
(e) the steps any person might take who wishes to make representations to the Executive or decision taker about the matter in respect of which the		

decision is to be made, and the date by which those steps must be taken;  
and

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The forward plan must be published at least 14 days before the start of the period covered. The Proper Officer will publish once a year a notice in at least one newspaper circulating in the area, stating:		
(a) that key decisions are to be taken on behalf of the Council;		
(b) that a forward plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;		
(c) that the plan will contain details of the key decisions to be made for the four month period following its publication;		
(d) that each plan will be available for inspection at reasonable hours free of charge at the Council's offices;		
(e) that each plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the plan;		
(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the forward plan is available;		
(g) that other documents may be submitted to decision takers;		
(h) the procedure for requesting details of documents (if any) as they become available; and		
(i) the dates on each month in the following year on which each forward plan will be published and available to the public at the Council's offices.		
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next forward plan and until the start of the first month to which the next forward plan relates		
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chairman or vice-chairman of the Scrutiny Commission or Finance, Audit & Performance Committee, by notice, of the matter to which the decision is to be made		
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decision taker (if an individual) or the chair of the body making the decision,		
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If there is no chairman or vice-chairman of the Scrutiny Commission, or if the chairman and vice-chairman of the Scrutiny Commission are unable to act, then the agreement of the Mayor or, in his/her absence, the Deputy Mayor will suffice.		
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## 1. Introduction

This Protocol is intended to help Members appreciate the background into probity in local government and to enable them to adopt more detailed standards of behaviour which the Council has identified as being important and which build on both the Members' Code of Conduct and the ten Principles of Public Life set out below.

This Protocol is a guide to the basic elements of the relationship between members to help promote trust, fairness, and openness, as well as to avoid conflict or deal with it if it does arise. It is a central element of the Council's corporate governance as a commitment to upholding standards of conduct in public life. It is also a way of demonstrating to the public at large that the local authority is serious about protecting and enhancing its integrity and reputation.

## **2. Ten Principles of Public Life**

The Principles of Public Life as laid down in the Relevant Authorities (General Principles) Order 2001 are:

### **Selflessness**

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

### **Honesty and Integrity**

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

### **Objectivity**

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

### **Accountability**

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

### **Openness**

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

### **Personal Judgement**

Members may take account of the views of others, including their political group, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

### **Respect for Others**

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

## **Duty to Uphold the Law**

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

## **Stewardship**

Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

## **Leadership**

Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

### **Members' attention is also drawn to the following supporting advice:**

The behaviour of elected Councillors is essential to the Council's good governance and image. Mutual trust and respect between members and across political divides is vital for the effective running of the Authority.

The Code of Conduct deals with breaches, but situations can arise or relationships deteriorate before a breach occurs and it is important to have mechanisms to redress such situations before more formal action becomes necessary.

Members must always show respect for other members and for their roles and duties. They must demonstrate this in all their dealings by observing reasonable standards of courtesy, both publicly and privately.

The political views of other members should be acknowledged and also respected. Despite this, members should work together in a collaborative way whenever possible to ensure the Council's business is conducted efficiently and effectively.

## **5. Resolving Conflict**

Under the Members' Code of Conduct, Members have a duty to report breaches of the Code of which they become aware to the Standards Board of England. There may be, however, situations of conflict or inappropriate behaviour which, whilst not constituting a breach of the Code, if addressed early can perhaps avoid it deteriorating into a breach or disrupting the smooth running of the authority. In such circumstances consideration should be given to resolving the issue informally, possibly Member to Member.

Where this approach is not possible or does not resolve the issue, the matter might be taken up at Group Leader level.

The advice of the Monitoring Officer or the Chief Executive should be sought if appropriate. They may also prove to be helpful as arbiter in a case of a dispute.

# Members' Code of Conduct

## HINCKLEY & BOSWORTH BOROUGH COUNCIL CODE OF CONDUCT FOR COUNCILLORS

This Code of Conduct, based on the Local Authorities  
(Model Code of Conduct)(England)

**Order 2007, SI 2007 No. 1159, was adopted by the  
Borough Council of Hinckley & Bosworth  
on 22<sup>nd</sup> May 2007**

### INTRODUCTION

This Code has been prepared and adopted by Hinckley & Bosworth Borough Council in accordance with Section 51 of the Local Government Act 2000. **The parts of the text printed in bold comprises the mandatory provisions prescribed by the Secretary of State under Section 50 of the Local Government Act 2000.** The rest of the text comprises additional text approved by the Council.

Every Councillor, including members of the Executive, as well as any co-opted member, must sign an undertaking to observe the Council's Code. Any person may then make a written complaint to the Standards Board that a member has acted in breach of the authority's code, which will secure the investigation of the complaint, which may lead to sanctions being applied to the member by a Case Tribunal or, by the Council's

## SCHEDULE

### THE MODEL CODE OF CONDUCT

#### Part 1 General Provisions

## Introduction and interpretation

1. (1) This Code applies to **you** as a member of an authority.
- (2) You should read this Code together with the general principles prescribed by the Secretary of State (a).
- (3) It is your responsibility to comply with the provisions of this Code.
- (4) In this Code –  
“meeting” means any meeting of:
  - (a) the authority;
  - (b) the Executive of the authority;
  - (c) any of the authority’s or its Executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;“member” includes a co-opted member and an appointed member.
- (5) In relation to a parish council, references to an authority’s Monitoring Officer and an authority’s

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Ethical Governance & Personnel Committee shall be read, respectively, as references to the Monitoring Officer and the

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Ethical Governance & Personnel Committee of the district council or unitary county 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.

## Scope

2. (1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you:
  - (a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
  - (b) act, claim to act or give the impression you are acting as a representative of your authority,and references to your official capacity are construed accordingly.
- (2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.
- (3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.
- (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).

- (5) Where you act as a representative of your authority:
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

### **General obligations**

3. (1) You must treat others with respect.
- (2) You must not:
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:
    - a complainant,
    - a witness, or
    - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
  - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- (3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.
4. You must not:
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
    - (i) you have the consent of a person authorised to give it;
    - (ii) you are required by law to do so;
    - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
    - (iv) the disclosure is:
      - (aa) reasonable and in the public interest; and
      - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
  - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.



6. You:
  - (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
  - (b) must, when using or authorising the use by others of the resources of your authority:
    - (i) act in accordance with your authority's reasonable requirements;
    - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
  - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).
  
7.
  - (1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by:
    - (a) your authority's Chief Finance Officer; or
    - (b) your authority's Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.
  
  - (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

## **Part 2**

### **Interests**

#### **Personal interests**

8.
  - (1) You have a personal interest in any business of your authority where either:
    - (a) it relates to or is likely to affect:
      - any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
      - any body:
        - (aa) exercising functions of a public nature;
        - (bb) directed to charitable purposes; or
        - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
    - (iii) any employment or business carried on by you;
    - (iv) any person or body who employs or has appointed you;
      - any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
    - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued

- share capital (whichever is the lower);
  - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
  - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
  - (ix) any land in your authority's area in which you have a beneficial interest;
  - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
  - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of:
- (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;
  - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
  - (iii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.
- (2) In sub-paragraph (1)(b), a relevant person is:
- (a) a member of your family or any person with whom you have a close association; or
  - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
  - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
  - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

### **Disclosure of personal interests**

9. (1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.
- (2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.
- (3) Where you have a personal interest in any business of the authority of the

type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

- (4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.
- (5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

### **Prejudicial interest generally**

10. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.
- (2) You do not have a prejudicial interest in any business of the authority where that business:
  - (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
  - (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
  - (c) relates to the functions of your authority in respect of:
    - (i) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
    - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
    - (iv) an allowance, payment or indemnity given to members;
    - (v) any ceremonial honour given to members; and
    - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

### **Prejudicial interests arising in relation to overview and scrutiny committees**

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where:
- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
  - (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

### **Effect of prejudicial interests on participation**

12. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority:
- (a) you must withdraw from the room or chamber where a meeting considering the business is being held:
    - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
    - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;
- unless you have obtained a dispensation from your authority's

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Ethical Governance & Personnel Committee;

- (b) you must not exercise executive functions in relation to that business; and
- (c) you must not seek improperly to influence a decision about that business.

- (2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

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## **HINCKLEY AND BOSWORTH BOROUGH COUNCIL CUSTOMER COMPLAINTS/COMPLIMENTS PROCEDURE**

### **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.

### **What is a Compliment?**

A compliment is an expression of satisfaction, however made, about the standard of service, action or individual staff members performance affecting an individual or group of customers.

### **Who can complain or make a compliment?**

Anyone using any of the Council's services can complain or compliment 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.

## **Compliments**

A compliment should be made in writing, over the telephone or by email to the Corporate Governance Officer [pat.pitt@hinckley-bosworth.gov.uk](mailto:pat.pitt@hinckley-bosworth.gov.uk) 01455 255770. Alternatively you can contact the appropriate Officer or line manager.

## **Complaints**

### **First Stage**

The initial complaint should be made in writing, over the telephone, by e-mail or by completion of the Council's Customer Complaints Form to the Corporate Governance Officer who will refer the complaint to the Line Manager responsible for the service. The Line Manager will respond in writing within 10 working days or let the complainant know when to expect a reply. All responses will advise on the next stage in the procedure.

### **Second Stage**

Any complainant remaining dissatisfied should contact the Corporate Governance Officer, preferably in writing, to request a review. At this stage no additional information shall be submitted. In the event of additional information being submitted this will need to be regarded as a new complaint. The appropriate Chief Officer, Deputy Chief Executive or Chief Executive will be asked to investigate the complaint and will aim to respond in writing to the complainant within 10 working days or advise when the complainant can expect a reply.

### **Third Stage**

If still unhappy after going through the Council's complaints procedure, the complainant may take his/her complaint to the Local Government Ombudsman.

Details of how to contact the Ombudsman will be sent at an appropriate stage in the complaints procedure and are also available from the Council Offices or on the Internet.

Ethical Governance & Personnel Committee and function

Effective presentations skills

Effective public speaking skills

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