



Chiltern District Council Constitution

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PART 1

INTRODUCTION

1. The Council's Constitution

- 1.1 On 16 May 2017 Chiltern District Council agreed a revised Constitution setting out, amongst other things, how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to residents and tax payers. The Cabinet agreed the revised relating to its functions on 27 June 2017. The Constitution is divided into 15 Articles which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in separate rules and protocols that follow on from the Articles.

2. Summary of the Constitution

- 2.1 Article 1 provides that the primary purpose of the Constitution is to assist in the delivery of the Council's key aims and objectives. It recognises the Council's role as a Community Leader and its strategic responsibility for community planning and best value in service delivery.
- 2.2 The remaining Articles 2-15 explain the rights of residents and taxpayers and how the key parts of the Council operate. These are:
- Members of the Council (Article 2).
 - Members of the Public and the Council (Article 3).
 - Full Council Meetings (Article 4).
 - Chairmanship of Full Council. (Article 5).
 - The Cabinet (Article 6).
 - How decisions are scrutinised (Article 7).
 - Regulatory and other Committees (Article 8).
 - Audit and Standards Committee (Article 9).
 - Joint arrangements (Article 10).
 - Officers (Article 11).
 - Decision making (Article 12).
 - Finance, Contract and legal matters (Article 13).
 - Review and revision of the Constitution (Article 14).
 - Suspension, interpretation and publication of the Constitution (Article 15).

3. Council

- 3.1 The Council is composed of 40 councillors elected every four years. Councillors are democratically accountable to the residents of their wards. 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.
- 3.2 The Council has adopted a Code of Conduct dealing with the conduct expected of councillors when undertaking their duties. The Audit and Standards Committee is responsible for promoting and maintaining high standards of conduct by councillors.
- 3.3 The Council's financial year runs from 1 April to 31 March in the following year but the municipal or Council year runs from May to April in each year beginning with the Annual Meeting of the Council. Business will include the election of a Chairman and Vice-Chairmen for the year and the making of appointments to the Cabinet and to the Overview, Audit and Standards, Regulatory and other Committees as well as the approval of a scheme of allowances for councillors. In addition to the Annual Meeting, the Council will meet not less than six times per year to approve the Council's policy framework and budget, set the Council Tax and consider matters reported or referred to it by the Cabinet or the Overview, Audit and Standards, Regulatory and other Committees. There will also be the opportunity for councillors to question members of the Cabinet about the detailed development and implementation of Council policies and the quality and efficiency of Council services for which they are responsible.
- 3.4 Meetings of the Council are open to the public, unless certain prescribed categories of confidential or sensitive information are under consideration.

4. The Cabinet

- 4.1 The Cabinet is the part of the Council which takes the leading role in the development of the Council's plans, policies, strategies and budgets although all of these are subject to the approval of full Council. Following approval by full Council, the Cabinet will largely be responsible for policy implementation. The Cabinet is led by a Cabinet Leader appointed by Council for a term of four years. The Cabinet Leader then selects between two and nine other Councillors to serve on the Cabinet, one of whom is appointed as a Deputy. Following confirmation of appointment, the Cabinet Leader allocates to each of them a range of responsibilities and special interest areas - known as 'portfolios'. The Cabinet Leader also carries portfolio responsibilities.
- 4.2 The Cabinet largely exercises a system of collective decision making and generally meets in public to ensure that it is accountable to residents and taxpayers for its decisions. The only exception to this will be when certain prescribed categories of confidential or sensitive information are under consideration. In addition the Cabinet Leader will prepare and publish on a monthly basis, a notice containing information about key (major) decisions that are likely to be taken by the Cabinet (or officers acting under delegated powers) in the ensuing months. The Cabinet cannot make decisions which are contrary to the Council's

overall policies and budget, without the prior approval of Council, except in cases of urgency, and only then with the consent of the Chairman of the relevant Overview Committee.

- 4.3 In developing and implementing policies, the Cabinet will also be able to call on the experience of the wider membership of the Council by asking the relevant Overview Committee and Policy Advisory Groups for assistance. In such circumstances the Committee and Policy Advisory Groups are required to adjust their Work Programme to accommodate requests for assistance from the Cabinet.

5. Overview and Scrutiny

- 5.1 The Council is required by law to establish at least one Overview and Scrutiny Committee. The Council has established two such Committees (in Chiltern simply called Overview Committees) to scrutinise and support the work of the Cabinet and the Council as a whole together with a separate Audit and Standards Committee. Broadly speaking the functional remit of each Committee corresponds to two or more Cabinet portfolios. Each Committee is led by a Chairman and Vice-Chairman who are appointed by the Council.
- 5.2 The Audit and Standards Committee carries out the strategic internal and external audit functions of the Council, as well as being responsible for maintaining and promoting high standards of conduct.
- 5.3 Each Committee will be responsible for the conduct of Reviews, for policy development and review and for holding the Cabinet to account in its specific areas of responsibility. The aim is to identify opportunities to improve the quality of decision taking and to enhance the accountability of the Cabinet to the Council and the public. Overview Committees will also be able to lead inquiries into local issues and make recommendations to the Cabinet and Council in relation to these. They may also be consulted by Council or the Cabinet in relation to policy development or forthcoming decisions and must be consulted by the Cabinet on the Budget and on the development or review of a number of key strategic policies such as the Sustainable Community Strategy and Development Plan.
- 5.4 Overview Committees are free to develop their own programme of work and have the power to require members of the Cabinet and senior Council Officers to appear before them to answer questions. To strengthen the independence of the scrutiny function, members of the Cabinet are prohibited from also serving as members of Overview Committees and any member of an Overview Committee can propose an issue or topic for consideration by the Committee.
- 5.5 The work of an Overview Committee will usually result in a report or recommendations either to the Cabinet or Council. In addition the Chairman or Vice-Chairman of each Committee has the power to "call in" Cabinet decisions that have been "made but not implemented". This might lead to the Cabinet being asked to reconsider a decision. Alternatively, in certain circumstances, a Committee may request the full Council itself to carry out its scrutiny function in relation to a particularly sensitive or important issue or topic. The Councillor Call for Action provisions are also now in force whereby individual Councillors can refer matters to the Overview and Scrutiny Committees for investigation.

- 5.6 The Services Overview Committee is designated as the relevant overview committee for crime and disorder scrutiny under the Police and Justice Act 2006 (as amended).
- 5.7 Overview Committee meetings will generally be held in public save where certain prescribed categories of confidential or sensitive information are being considered.

6. Regulatory and Other Committees

- 6.1 The Council maintains a number of traditional Committees (as detailed in Part 3 Section G) including Planning, Licensing, Appeals and Complaints and Governance and Electoral Arrangements. For the most part these Committees take decisions in their own right although any recommendations will be reported to the subsequent Council meeting. The Licensing Committee has also established a standing Sub-Committee, the Licensing Sub-Committee to conduct public hearings in relation to alcohol, gambling and regulated entertainment and appeals in relation to hackney carriage and private hire, operator, driver and vehicle licensing.

7. Officers

- 7.1 The Council employs a paid service (the 'officers') to give advice, implement decisions and manage the day-to-day delivery of its services. The Council's management structure is described in Part 7 of this Constitution together with a description of the officers' decision making powers. To ensure high standards of conduct all officers have a duty to comply with a Code of Conduct and with the Protocol on Member/Officer Relations, set out in Part 5 of this Constitution. In addition, some officers have a statutory duty to ensure that the Council acts within the law and uses its resources wisely.

8. Rights of Residents and Council Taxpayers

- 8.1 Residents and taxpayers have a number of rights in their dealings with the Council. These are set out in Article 3 of Part 2. Some of these are legal rights, whilst others are granted by the Council in this Constitution.
- 8.2 They include the right to:
- 8.2.1 vote at local elections, if registered to vote;
 - 8.2.2 to contact the Council about any matters of concern – including submitting a Petition in accordance with the adopted Petition Scheme in Part 9;
 - 8.2.3 to attend meetings of the Council, its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;

- 8.2.4 to attend meetings of the Cabinet and any committees of the Cabinet except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;
- 8.2.5 to inspect the 28 Day Notice of the Cabinet to ascertain when key decisions are likely to be made;
- 8.2.6 to have access to agendas and reports and inspect background papers and the record of decisions made by the Council, its Committees and Sub-Committees and the Cabinet except where this would result in the disclosure of exempt or confidential information which on public interest grounds is intended for consideration in private or has been considered in private;
- 8.2.7 to inspect and make copies (usually on payment of an appropriate charge) of the documents listed in Part 8 of this Constitution;
- 8.2.8 to inspect the Council's accounts at the designated time and make their views known to the external auditor;
- 8.2.9 to be consulted about the Council's statutory plans and strategies including the Sustainable Community Strategy, Development Plan and Crime and Disorder Reduction Strategy;
- 8.2.10 when invited to do so, to contribute to the work of an Overview Committee;
- 8.2.11 to participate in, or petition to request, a referendum on a change of governance arrangements;
- 8.2.12 to complain to the Council about any of its services in accordance with the adopted Complaints Procedure as set out on the Council's website at www.chiltern.gov.uk
- 8.2.13 to complain to the Ombudsman if they think that the Council is responsible for maladministration but only after they have followed the Council's Complaints Procedure;
- 8.2.14 to complain to the Council's Monitoring Officer if they consider that a councillor of Chiltern District Council or any of its Parishes/Towns has not followed the adopted Code of Conduct or any other Code or Protocol from time to time adopted by their respective Councils which governs the conduct of elected or co-opted members of that Council;
- 8.2.15 to inspect this Constitution and obtain a copy on the payment of an appropriate charge; and
- 8.2.16 to request information in accordance with the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

9. Access to Information

- 9.1 The rights of access to meetings by members of the public and the right to inspect reports, background papers and the record of the decisions made are set out in detail in Part 4 of this Constitution. In summary, the Council provides a comprehensive system of public access to all its meetings and the press and public will only be excluded if certain prescribed categories of confidential or sensitive information are under consideration and it is in the public interest that such information is considered in private. Members of the public will also not be entitled to inspect reports or background papers relating to such information.
- 9.2 In addition Part 8 contains a summary of Statutory Rights of Inspection of Documents, including a section on the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

Chiltern District Council welcomes participation by the public in its work. For further information about the Council please contact:

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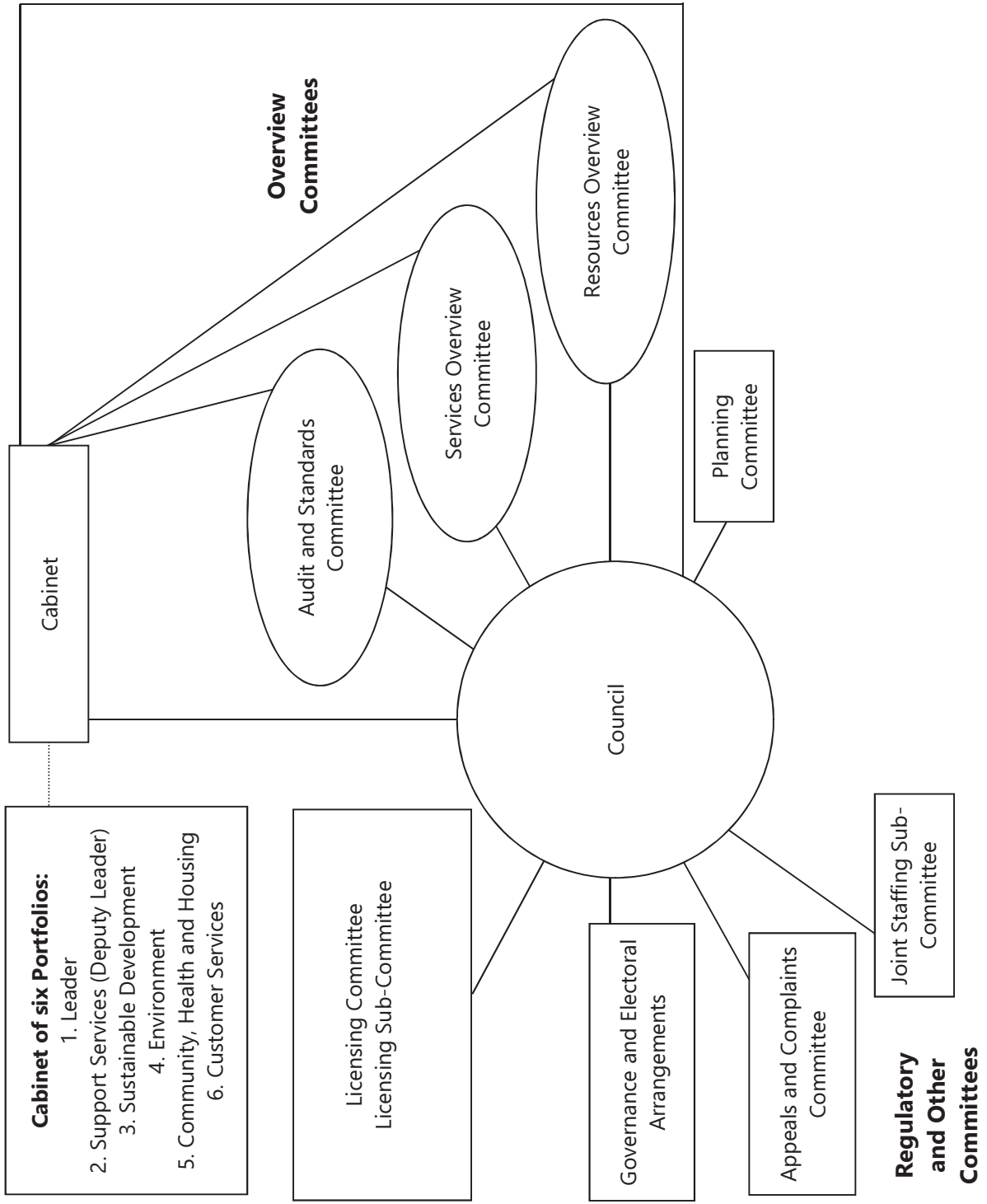
PART 2
SECTION A: Committee Organisational Structure

Committee Organisational Structure at Chiltern District Council 2017

Overview Committees

The role of the Overview Committees is to challenge and scrutinise the Council, the Cabinet and other public bodies in the area, to assist in policy development and review and to oversee the Council's programme of

Value for Money reviews. The Committees fulfil this role in relation to these specific Cabinet Portfolios:



PART 2
SECTION B: Articles of the Constitution

SECTION B ARTICLES OF THE CONSTITUTION

ARTICLE 1 – THE CONSTITUTION

1.1 Powers of the Council

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

1.2 The Constitution

1.2.1 This Constitution, and all its appendices, is the Constitution of the Chiltern District Council.

1.3 Purpose of the Constitution

1.3.1 The purpose of the Constitution is to:-

- 1) enable the Council to work with the community and local organisations to enhance Chiltern as a desirable place to live, work, visit and enjoy ;
- 2) enable the Council to meet its key objectives of delivering cost-effective, customer focused services, working towards safe and healthier local communities and striving to conserve the environment and promote sustainability;
- 3) enable the Council to meet its Sustainable Community Strategy of delivering (jointly with its partners) a thriving economy, a sustainable environment, safe communities , health and well-being and cohesive and strong communities;
- 4) provide and support the mechanisms necessary to secure continuous improvement in the delivery of services to the community;
- 5) enable the Council to provide clear leadership to the community in partnership with residents, taxpayers, businesses and other organisations;
- 6) enable decisions to be taken in an accountable way;
- 7) support the active involvement of the community in the Council's decision making;

- 8) enable councillors to represent their constituents effectively; and
- 9) encourage and ensure the highest standards of conduct from councillors and officers.

1.4 Interpretation and Review of the Constitution

- 1.4.1 Where the Constitution permits the Council to choose between different courses of action, the Council will always adopt the option which it considers is most likely to achieve the purposes stated above.
- 1.4.2 The Council will monitor and evaluate the operation of the Constitution in the manner set out in Article 14.

Article 2 – Members of the Council

2.1 Composition and eligibility

- 2.1.1 The Council will comprise 40 members, otherwise called councillors. One or more councillors will be elected by the voters of each ward in accordance with a scheme drawn up by the Local Government Commission or Electoral Commission and approved by the Secretary of State.
- 2.1.2 Only registered voters of the District or those living or working there will be eligible to hold the office of councillor.

2.2 Election and terms of councillors

- 2.2.1 The regular election of councillors will be held on the first Thursday in May every four years beginning in 2003. The term of office of councillors will start on the fourth day after being elected and will finish on the fourth day after the date of the next regular election.

2.3 Key roles

- 2.3.1 All Councillors will:
- 1) collectively act as the ultimate policy-makers;
 - 2) contribute to the good governance of the District and actively encourage community participation in decision making;
 - 3) effectively represent the interests of their ward and of individual constituents;
 - 4) respond to constituents' enquiries and representations, fairly and impartially;
 - 5) participate in the governance and management of the Council; and
 - 6) maintain the highest standards of conduct and ethics.

2.4 Rights and duties

- 2.4.1 Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law.
- 2.4.2 Notwithstanding the provisions of the paragraph 2.4.1 above the Council may resolve from time to time that all Councillors shall have access to the agenda and reports of the Council and its Committees and the Cabinet and any Committee of the Cabinet without having to demonstrate a need to know.
- 2.4.3 Councillors will not make public that information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a Councillor or officer entitled to know it.

2.4.4 For the purposes of the foregoing paragraph 2.4.3 “confidential” and “exempt” information are defined in the Access to Information Rules set out in Section D of Part 4 of this Constitution.

2.5 Conduct

2.5.1 Councillors will at all times observe the adopted Code of Conduct for Members and the Protocol on Member/Officer Relations set out in Sections A and D of Part 5 of this Constitution Conduct or any other Code or Protocol from time to time adopted by the Council which governs the conduct of elected or co-opted members of the Council.

2.6 Allowances

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

Article 3 – The Public and the Council

3.1 Rights of Members of the Public

3.1.1 Members of the Public have the following rights:-

- a) if their name appears on the electoral roll for the District; to vote;
- b) to contact the Council about any matters of concern – including submitting a Petition in accordance with the adopted Petition Scheme – in Part 9;
- c) to attend meetings of the Council and its Committees and Sub-Committees except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;
- d) to attend meetings of the Cabinet and any committees of the Cabinet except where confidential or exempt information is likely to be disclosed and it is in the public interest that such information is considered in private;
- e) to inspect the 28 Day Notice of the Cabinet to ascertain when key decisions are likely to be made;
- f) to have access to agendas and reports and inspect background papers and the record of decisions made by the Council, its Committees and Sub-Committees and the Cabinet except where this would result in the disclosure of exempt or confidential information which on public interest grounds is intended for consideration in private or has been considered in private;
- g) to inspect and make copies (usually on payment of an appropriate charge) of the documents listed in Part 8 of this Constitution;
- h) to inspect the Council's accounts at the designated time and make their views known to the external auditor;
- i) to be consulted about the Council's statutory plans and strategies including the Sustainable Community Strategy and Development Plan
- j) when invited to do so, to contribute to the work of an Overview Committee;
- k) to participate in, or petition to request, a referendum on a change of governance arrangements;
- l) to complain to the Council about any of its services in accordance with the adopted Complaints Procedure as set out on the Council's website www.chiltern.gov.uk

- m) to complain to the Ombudsman if they think that the Council is responsible for maladministration but only after they have followed the Council's Complaints Procedure;
- n) to complain to the Council's Monitoring Officer if they consider that a councillor (a District or Parish/Town Councillor within Chiltern District) has not followed the adopted Code of Conduct for Elected and Co-opted Members or any other Code or Protocol from time to time adopted by the Council which governs the conduct of elected or co-opted members of the Council;
- o) to inspect this Constitution and obtain a copy on the payment of an appropriate charge; and
- p) to request information in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

3.2 Responsibilities of Members of the Public

3.2.1 Members of the public:

- 1) shall not interrupt or disrupt any of the proceedings of the Council or be violent, abusive or threatening to councillors or officers;
- 2) shall promptly leave the Council Chamber or other meeting room when councillors wish to discuss exempt or confidential items of business or when the chairman presiding at the meeting orders the public to leave in order to restore order; and
- 3) shall not willfully cause any harm to any land or property of the Council.

ARTICLE 4 – FULL COUNCIL**4.1 Definitions**

4.1.1 In this and the following Articles of this Constitution the definitions set out in the left hand column of the table below shall have the meanings ascribed to them in the right hand column:-

Definition	Meaning
Policy Framework	<p>The following plans and strategies:-</p> <ul style="list-style-type: none"> • Chiltern and South Bucks Joint Business Plan • Chiltern and South Bucks Joint Sustainable Community Strategy • Plans and Strategies which together comprise the Local Development Plan, the Local Development Framework and Local Development Scheme • Joint Waste Strategy for Buckinghamshire • Chiltern Community and Well Being Plan • Housing strategies and policies comprising the Housing Framework including the Private Sector Housing Strategy and policy documents), Homelessness Strategy and Temporary Accommodation Strategy). • Medium Term Financial Strategy • Treasury Management Strategy • Statement of Principles under the Gambling Act 2005 • Licensing Policy – under the Licensing Act 2003 • Taxi and Private Hire Licensing Policy • Contaminated Land Strategy • Asset Management Plan • Corporate Enforcement Policy • Chiltern and South Bucks Economic Development Strategy • Any other plan or strategy which the Council from time to time determines shall be adopted or approved by the Council.
Budget	<p>Includes the allocation of financial resources to different functions, services and projects; proposed contingency funds; setting the Council Tax; decisions relating to the control of the Council's investment policies, borrowing requirement and capital expenditure.</p> <p>Full Council will decide the Council's overall revenue budget and overall capital budget.</p>
Executive (Cabinet) Function	<p>Any function not expressly reserved in this Constitution or by law to the Council or a Committee or Sub-Committee of the Council, as the same are more particularly described in Table 3 of Section B of</p>

	Part 3 of this Constitution entitled "Cabinet Functions".
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4.2 Functions of Full Council

4.2.1 Only full Council will exercise the following functions:-

- 1) approving, adopting or amending this Constitution;
- 2) approving, adopting or amending the Policy Framework or the Budget;
- 3) subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution, the making of any decisions about any matter in the discharge of a Cabinet 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 not be in accordance with or contrary to the Policy Framework and/or the Budget;
- 4) making, amending, revoking or adopting bye-laws or promoting or opposing local acts;
- 5) establishing and agreeing and/or amending the terms of reference of any Committee of the Council (other than a Committee of the Cabinet) including its composition and the making of appointments to it; (the responsibility for establishing and appointing standing sub-committees is the responsibility of the parent committee;
- 6) appointing the Cabinet Leader: the Leader will then appoint their own Cabinet for a one year term and allocate functions and report to Council .
- 7) appointing representatives to outside bodies unless the appointment is a Cabinet Function or has been delegated by the Council to the Cabinet, a committee or an officer;
- 8) following consultation with the independent panel established by the Council for the purposes of making recommendations to the Council in connection therewith, the adoption or amendment of a scheme of allowances for the Council;
- 9) changing the name of the District or conferring the title of honorary alderman;
- 10) confirming the appointment or dismissal of the Head of Paid Service; and

11) all other matters which by law must be reserved to Council.

4.3 Meetings of Full Council

4.3.1 There are three types of Council meeting:-

- 1) The Annual Meeting;
- 2) Ordinary Meetings; and
- 3) Extraordinary Meetings

4.3.2 All meetings of the Council will be conducted in accordance with the Council Procedure Rules set out in Section A of Part 4 of this Constitution.

4.4 Responsibility for Functions

4.4.1 The Council is responsible for the functions described in Tables 1 and 2 of Section B of Part 3 of this Constitution respectively entitled "Functions Reserved to Full Council" and "Council Functions that may be Referred or Delegated"

Article 5 – Chairmanship of the Council

5.1 Role of the Chairman

5.1.1 The Chairman of the Council (and in his/her absence the Vice-Chairman) will preside as Chairman at Council meetings and have the role more particularly described in Part 3 of this Constitution.

5.2 Election of the Chairman

5.2.1 The Chairman (and Vice-Chairman) will be elected by the Council annually at the Annual Meeting from among the general body of councillors.

5.2.2 The Chairman (and Vice-Chairman) will, unless he/she resigns or becomes disqualified, continue in office until his/her successor becomes entitled to act.

5.2.3 No councillor will be entitled to hold the office of Chairman for more than two consecutive years.

5.3 Chairmanship of Council meetings

5.3.1 The Chairman will have the following responsibilities at meetings of the Council:

- 1) to preside over meetings of the Council in a non partisan way so that its business can be carried out efficiently and effectively with regard to the rights of all councillors and the interests of the community;
- 2) to uphold and apply fairly the Rules of Procedure for meetings of the Council set out in Part 4 of this Constitution; and
- 3) to promote debate on matters of concern to councillors and the local community and to permit councillors who are not members of the Cabinet to have the opportunity of questioning the Cabinet Leader and Cabinet Members about matters arising out of or in connection with the discharge of a Cabinet Function.

5.4 Ceremonial matters

5.4.1 The Chairman will act as the Council's first citizen, promote public involvement in the Council's activities and attend such civic and ceremonial functions as the Chairman and/or Council determine are appropriate

5.5 Disputes Resolution

5.5.1 The Chairman (and in his/her absence the Vice-Chairman) will also use his best endeavours to resolve disputes between the Cabinet and the Overview Committees or between full Council, an Overview Committee and the Cabinet, to the extent set out in the Cabinet Procedure Rules, Overview and Scrutiny Procedure Rules, or the Budget and Policy Framework Procedure Rules.

Article 6 – The Cabinet

6.1 Role

6.1.1 The Cabinet will be responsible for the discharge or making appropriate arrangements for the discharge, (whether by the Cabinet collectively, or by an individual Cabinet Member, or by a Committee of the Cabinet, or by joint arrangements made in accordance with Article 10 of these Articles, or by an officer), of the Cabinet Functions defined in Article 4.1 of these Articles to the extent permitted by law or this Constitution.

6.2 Form and composition

6.2.1 The Cabinet will consist of the Cabinet Leader together with at least two, but not more than nine councillors. Within these parameters the Council may from time to time amend the precise form and composition of the Cabinet although it may not amend its powers and responsibilities. The current approved form and composition of the Cabinet is set out in the in the Table at Section B of Part 3 of this Constitution.

6.3 The Leader

6.3.1 The Leader shall be a Councillor elected to that office by a simple majority of the Council. Subject to the provisions of Article 6.5 below, the Leader will hold office for a term of four years ending on the day of the post-election annual general meeting unless he/she:

- i. resigns from the office of Leader; or,
- ii. resigns from the Council; or,
- iii. is removed from office by a resolution of the Council; or
- iv. is otherwise disqualified from holding the office of Councillor.

6.4 Cabinet Members

6.4.1 The Leader shall appoint from the general body of Councillors the members of the Cabinet. The Leader shall also appoint from within the approved Cabinet members a Deputy Leader who shall take on, on a temporary basis, the duties of Leader if the Leader is unable to carry out those duties from time to time.

6.4.2 Subject to Article 6.5 below, Members of the Cabinet, other than the Leader, shall hold office for a term of one year unless they:

- i. resign from the office of Cabinet member; or,
- ii. resign from the Council; or,
- iii. are otherwise disqualified from holding the office of Councillor.

6.5 Short appointments

6.5.1 Notwithstanding the provisions of Articles 6.3 and 6.4 above, where the Cabinet Leader or a Member of the Cabinet ceases to hold office for any reason other than the expiry of their term of appointment, their replacement shall only be appointed to hold office until the date of the next Annual Meeting of the Council or to the end of their term of office.

6.6 Proceedings of the Cabinet

6.6.1 Proceedings of the Cabinet shall take place in accordance with the Cabinet Procedure Rules set out in Section B of Part 4 of this Constitution.

6.7 Responsibility for functions

6.7.1 The Cabinet is responsible for the Executive (Cabinet) Functions (as defined in Article 4.1 of these Articles and more particularly described in Table 3 of Section B of Part 3 of this Constitution entitled "Cabinet Functions") and will maintain, review and update as necessary the arrangements for the discharge of Cabinet Functions whether by the Cabinet collectively or by individual Cabinet Members, or by a Committee of the Cabinet, or by joint arrangements or by an Officer

6.8 Temporary Replacements

6.8.1 Where the Leader ceases to hold office other than by the normal expiry of their term of appointment, the Council shall appoint a replacement to hold office until the date of the next post election Annual Meeting of the Council.

6.8.2 Where a member of the Cabinet ceases to hold office other than by the normal expiry of their term of appointment, the Leader shall appoint a replacement to hold office until the end of the current term of office of Cabinet members.

Article 7 – Overview Committees

7.1 Appointment and terms of reference

- 7.1.1 The Council will appoint two Committees (in this Article called “Overview Committees”) to discharge within their respective areas of responsibility the scrutiny and other functions conferred by Section 21 of the Local Government Act 2000 (as amended).
- 7.1.2 Each Committee will have the title and functional responsibilities described in the Terms of Reference of Standing Committees set out at Section G of Part 3 of this Constitution. Any dispute or difference concerning matters falling within the Terms of Reference of more than one Overview Committee will be conclusively resolved by full Council.
- 7.1.3 Each Overview Committee will comprise a Chairman and Vice-Chairman and up to a maximum of fifteen councillors appointed by the Council in accordance with Section 15 to 17 (inclusive) of the Local Government & Housing Act 1989 (“the political balance rules”). Each member of an Overview Committee will be permitted to nominate another eligible councillor as a substitute member in accordance with Rule 22 of the Council Procedure Rules set out in Section A of Part 4 of this Constitution.
- 7.1.4 A joint meeting of affected Overview Committees can be called to consider a “joint” issue (see para 22 of Council Procedure Rules).

7.2 Within its Terms of Reference, an Overview Committee will carry out the following roles:

- 1) General Role
 - (i) develop and monitor its own work programme(s);
 - (ii) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council’s functions whether reserved to Council or one of its committees or the Cabinet;
 - (iii) make reports and/or recommendations to the full Council and/or the Cabinet in connection with the discharge of any function;
 - (iv) with the consent of the Cabinet Leader or relevant Portfolio Holder consider reports relating to Key Decisions prior to their consideration by the Cabinet;
 - (v) consider any matter affecting the District or its residents;
 - (vi) to consider and respond to Petitions – in particular hearing evidence from Senior Officers in accordance with the adopted Petition Scheme in Part 9; and
 - (vii) to receive and investigate non-excluded local government matters as referred to in Section 21A (1) (c) of the Local Government Act 2000 (as amended) raised by a member of the Council who is not a member of the OSC; and

- (viii) the Services Overview Committee to exercise the function of the Councils Crime and Disorder Scrutiny Committee as required by the Police and Justice Act 2006 (as amended) and to receive and investigate matters concerning any local crime and disorder matter as defined by Section 19(11) of the Police and Justice Act 2006 – which are raised by a member of the Council who is not a member of that Overview Committee.

2) Overview and Scrutiny Role

- (i) review and scrutinise the performance of the Cabinet in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Cabinet functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally;
- (ii) review and scrutinise the performance of the Council against its policy objectives, national or local performance indicators, measures or targets and/or the performance of particular service areas;
- (iii) question members of the Cabinet and/or Directors and Heads of Service about any matter that the Scrutiny Committee is empowered to scrutinise by the paragraphs 7.2.2) i) and ii) above;
- (iv) invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process;
- (v) review the performance of other public bodies in the area;
- (vi) subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process; and
- (vii) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Cabinet in accordance with the Overview and Scrutiny Procedure Rules set out in Section C of Part 4 of this Constitution.

3) Policy Development and Review Role (if requested to do so by the Council or the Cabinet)

- (i) assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation ;
- (ii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and

- (iii) liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

4) Finance

An Overview Committee will exercise overall responsibility for the finances made available to it.

5) Chairman's Annual Report

The Chairman of each Overview Committee will prepare and submit an Annual Report to full Council on its work programme in the previous year and projected work programme.

7.3 Proceedings of the Overview Committees

- 7.3.1 The Overview Committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Section C of Part 4 of this Constitution and relevant legislation including but not limited to the Local Government Act 2000 (as amended) and the Police and Justice Act 2006 (as amended).

Article 8 – Regulatory and other Committees (other than the Audit and Standards Committee)

8.1 Regulatory and other Committees

- 8.1.1 The Council will appoint the Standing Committees more particularly described in Section G of Part 3 of this Constitution to discharge the functions described in the Terms of Reference for that Committee.
- 8.1.2 Parent Committees will be responsible for establishing and appointing their own sub-committees save where this responsibility is delegated to the Chief Executive and meetings of the appropriate parent committee will be held sequentially immediately after the Annual Council for the purposes of establishing and making appointments to their respective sub-committees.

Article 9 – The Audit and Standards Committee

9.1 Audit and Standards Committee

9.1.1 The Council will establish an Audit and Standards Committee with the Terms of Reference set out at Section G of Part 3 of this Constitution.

9.2 Role of the Audit and Standards Committee

9.2.1 The Audit and Standards Committee will have the following roles and functions:

- 1) to provide independent assurance of the adequacy of the Council's internal controls and assurance mechanisms and to approve its financial accounts;
- 2) to promote and maintain high standards of conduct by Council members and co-opted members;
- 3) to consider breaches of the Council's code of conduct or the codes of conduct of town/parish councils within the district;
- 4) To consider and determine applications regarding political restricted posts – Section 3A – Local Government and Housing Act 1989.

Article 10 – Joint Arrangements and Delegations to Other Local Authorities

10.1 Joint Arrangements

- 10.1.1 The Council may establish joint arrangements (including participating in the Constitution and appointment of a joint committee) with one or more local authorities and/or their Cabinets to exercise functions which are not the executive (cabinet) functions of the Council or any participating local authority.
- 10.1.2 The Cabinet may establish joint arrangements (including participating in the Constitution and appointment of a joint committee) with one or more local authorities to exercise functions which are the executive (cabinet) functions of the Council.
- 10.1.3 Except in the circumstances set out in paragraph 10.1.4 below, the Cabinet may only appoint Cabinet Members to a joint committee and those members need not reflect the political composition of the Council as a whole.
- 10.1.4 Notwithstanding the provisions of paragraph 10.1.3 above, the Cabinet may appoint non Cabinet members to a joint committee provided:
- 1) the joint committee has functions for only part of the District;
 - 2) that part is smaller than two-fifths of the District by area or population (“the qualifying part”);
 - 3) the non Cabinet member appointed is a member for a ward which is wholly or partly contained within the qualifying part;
 - 4) and in any such case those members need not reflect the political composition of the Council as a whole.
- 10.1.5 The Council has entered into Joint Arrangements with South Bucks District Council, Wycombe District Council and Aylesbury Vale District and the details of these arrangements including the composition, terms of reference and delegated powers of any joint committee are set out in Section E of Part 3 of this Constitution.

10.2 Arrangements to Promote Wellbeing

- 10.2.1 The Council or the Cabinet in order to promote the economic, social or environmental well-being of the District, may:
- 1) enter into arrangements or agreements with any person or body;
 - 2) co-operate with, or facilitate or co-ordinate the activities of, any person or body;
 - 3) exercise on behalf of that person or body any functions of that person or body.

10.3 Access to Information

- 10.3.1 The Access to Information Rules set out in Section D of Part 4 of this Constitution shall apply to joint committee meetings.
- 10.3.2 In order to secure the rights conferred by paragraph 10.3.1 above the Council or the Cabinet (as the case may be) will not enter into any joint arrangements consisting of a joint committee until the other participating bodies agree that the rights of the public to agendas, reports, background papers, meetings and minutes of the meetings will be not less than the rights granted by the Council's Access to Information Rules.

10.4 Delegation To and From Other Local Authorities

- 10.4.1 The Council may delegate functions which are not the functions of its Cabinet, to another local authority or, in the circumstance set out in paragraph 10.4.2 below, to the Cabinet of another local authority.
- 10.4.2 The circumstances referred to in paragraph 10.4.1 above are that in the hands of the other local authority, the function is the responsibility of their Cabinet.
- 10.4.3 The Cabinet may delegate functions which are its responsibility to the Cabinet of another local authority, or in the circumstances set out in paragraph 10.4.4 below, to the Council of another local authority.
- 10.4.4 The circumstances referred to in paragraph 10.4.3 above are that the other local authority has not adopted political management arrangements consisting of a Leader and Cabinet Executive, or an elected Mayor and Cabinet Executive.
- 10.4.5 The decision to accept a delegation from another local authority, whether to the Council or to the Cabinet, is reserved to full Council.
- 10.4.6 The delegation by the Council or the Cabinet of any their respective functions to another local authority shall not prevent the Council or the Cabinet (as the case may be) from exercising that function.

Article 11 – Officers

11.1 Management Structure

11.1.1 In January 2012 the Council agreed (pursuant to Section 113 of the Local Government Act 1972) a joint senior management structure with South Bucks District Council which involves sharing a Chief Executive, Director of Resources and Director of Services and Heads of Services. Each Council retains its own sovereignty over its own Constitution and elected members.

11.1.2 The Council jointly with South Bucks District Council will appoint the following officers who shall be designated as Chief Officers:

Post	Summary of Responsibilities
<p>Chief Executive</p>	<p><u>Corporate and Advisory Role</u> To lead the Corporate Management Team and assume overall responsibility for corporate and operational management of the Council including the provision of impartial professional advice to all parts of the political management structures.</p> <p><u>Service Role</u> Direct operational management responsibility for the following service areas:</p> <ul style="list-style-type: none"> • Human Resources • Communications, Policy and Performance • Electoral Registration Officer • Returning Officer for the Council (and Deputy Returning Officer so far as national elections are concerned) <p><u>External Role</u> Representing the Council on partnership and external bodies.</p>
<p>Director of Resources</p>	<p><u>Corporate and Advisory Role</u> To serve as a member of the Corporate Management Team and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p><u>Service Role</u></p> <ul style="list-style-type: none"> • Finance and Audit • Customer Services • Legal and Democratic Services • Business Support

	<ul style="list-style-type: none"> Senior Information Risk Owner <p><u>External Role</u></p> <p>Representing the Council on partnership and external bodies.</p>
Director of Services	<p><u>Corporate and Advisory Role</u></p> <p>To serve as a member of the Corporate Management Team and contribute to the corporate management of the Council including the provision of impartial professional advice to all parts of the political management structure.</p> <p><u>Service Role</u></p> <p>Operational management responsibility for the following service areas:</p> <ul style="list-style-type: none"> Sustainable Development Healthy Communities Environment <p><u>External Role</u></p> <p>Representing the Council on partnership and external bodies.</p>

11.1.3 The Council may appoint such other officers as it considers necessary to carry out its functions or those delegated to it by another local authority.

11.1.4 The Council will also designate jointly with South Bucks District Council the statutory posts identified in the left hand column of the following table to the officers or one of the officers who for the time being hold the posts identified in the right hand column:

Designated Post	Officer
Head of Paid Service	Chief Executive
Chief Finance Officer	Director of Resources
Monitoring Officer	Head of Legal and Democratic Services,

11.1.5 The Head of Paid Service will determine and publicise in Section A of Part 7 of this Constitution the departmental structure of the Council.

11.2 Functions of the Head of Paid Service

11.2.1 To report to full Council or Joint Staffing Committee, or if a matter relates to a Cabinet Function, to the Cabinet or Joint Committee as necessary on the manner in which the discharge of the Council's functions is co-ordinated, the number and grades of officers required for the discharge of functions and the organisation of officers.

11.3 Functions of the Chief Finance Officer

- 11.3.1 Following consultation with the Head of Paid Service and the Monitoring Officer, to report to full Council or the Cabinet (as the case may be) or to the Council's external auditor, if he/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;
- 11.3.2 To be responsible for the administration of the financial affairs of the Council;
- 11.3.3 To contribute to the corporate management of the Council, in particular through the provision of professional financial advice;
- 11.3.4 To advise whether Cabinet Decisions are within the Budget and Policy Framework; and
- 11.3.5 To provide advice to all members of the Council as required on financial propriety and probity issues.

11.4 Functions of the Monitoring Officer

- 11.4.1 To maintain an up-to-date version of the Constitution and ensure that it is available for inspection during normal office hours by Members, officers and the public.
- 11.4.2 Following consultation with the Head of Paid Service and Chief Finance Officer, to report to full Council or, if a matter relates to a Cabinet Function, to the Cabinet if he/she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration.
- 11.4.3 To contribute to the promotion and maintenance of high standards of conduct by providing support to the Audit and Standards Committee.
- 11.4.4 To receive and act on complaints that Members have breached the Code of Conduct in accordance with the Council's adopted Complaints Procedure.
- 11.4.5 To maintain and make available for inspection by members of the public the following registers:
 - 1) The Registers of pecuniary and other interests for members of Chiltern District Council;
 - 2) The Registers of Members pecuniary and other interests for the Town and Parish Councils established in the District.
- 11.4.6 To hold and make available for inspection by members of the public the written summary of the decisions on whether to refer complaints for investigation under the Council's adopted Complaints Procedure.
- 11.4.7 To conduct or cause to be conducted investigations into written complaints:

- 1) alleging a breach of any local or non-statutory Codes or Protocols from time to time adopted by the Council governing the conduct of elected and co-opted members; and
- 2) to make or cause to be made reports or recommendations in respect of them to the Audit and Standards Committee in accordance with the Council's adopted Complaints Procedure.

11.4.8 To report to the Appeals and Complaints Committee the decisions of the Local Government Ombudsman that resulted in a finding of maladministration.

11.4.9 To ensure that Cabinet Decisions, together with the reasons for those decisions and relevant officer reports and background papers are made available for public inspection in accordance with the Access to Information Rules set out in Section D of Part 4 of this Constitution.

11.4.10 To advise whether Cabinet Decisions are within the Budget and Policy Framework.

11.4.11 To provide advice to all members of the Council as required on:

- 1) the terms of this Constitution;
- 2) the adopted Code of Conduct for Elected and Co-opted Members and any other Codes or Protocols governing the conduct of elected and co-opted members;
- 3) pecuniary, personal and prejudicial interests; and
- 4) vires, propriety and probity issues.

11.5 Duty to provide sufficient resources to the Chief Finance Officer and Monitoring Officer

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

11.6 Appointments

11.6.1 All appointments will be on merit. The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Section H of Part 4 of this Constitution.

11.7 Conduct

11.7.1 Officers will comply with the Protocol on Officer/Member Relations and the Officers' Code of Conduct set out in Sections D and E of Part 5 of this Constitution.

Article 12 – Decision Making

12.1 Responsibility for Decision Making

12.1.1 The Council will maintain, review and update as necessary:

- 1) the table set out in Section B of Part 3 of this Constitution which describes the Council's functions that are the responsibility of full Council ("Council Functions");
- 2) the tables set out in Section E of Part 3 of this Constitution which describe the composition, terms of reference and delegated powers of the Standing Committees and Sub-Committees of the Council;
- 3) the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution in so far as it relates to the delegation of Council Functions to Officers; and
- 4) the tables set out in Section A of Part 3 of this Constitution that describe the job roles of :-
 - (i) the Chairman and Vice-Chairman of the Council;
 - (ii) the Chairmen of the Overview Committees; and
 - (iii) the Chairmen of the regulatory and other Committees

12.1.2 The Cabinet will maintain, review and update as necessary:-

- 1) the part of Section A of Part 3 of this Constitution that describes the role of the Cabinet Leader and Cabinet Members;
- 2) the table set out in Section C of Part 3 of this Constitution which describes the functions of the Council that are solely or partly the responsibility of the Cabinet ("Cabinet Functions");
- 3) the table set out in Section C of Part 3 of this Constitution which describes the allocation by the Cabinet Leader to the Cabinet Members of lead responsibility for Cabinet Functions ("the portfolios") and who may take decisions in respect of them;
- 4) the table set out in Section C of Part 3 of this Constitution that contains the name, address and ward of every Cabinet Member; and
- 5) the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution in so far as it relates to the delegation of Cabinet Functions to Officers.

12.2 Principles of Decision Making

12.2.1 All decisions of the Council and its constituent parts must be made in accordance with the following principles:-

- 1) legality, meaning that:

- the decision is within the powers of the Council and the decision maker;
 - the decision is made taking into account only required or relevant considerations;
 - there is no ulterior motive or improper purpose for the decision;
 - the decision has been made in an unbiased way following the application of established procedures or codes of practice pertaining to that class of decision;
 - in making the decision the rules of natural justice have been adhered to;
 - the decision does not fetter the Council's discretion; and
 - the decision does not unlawfully infringe the human rights of any person or body.
- 2) proportionality, meaning that the any act or omission proposed by a decision will be proportionate to the desired outcome;
 - 3) non-discrimination, meaning that in making decisions the Council will have regard to and comply with its statutory duties under the Equalities Acts;
 - 4) due consultation with stakeholders and the taking of appropriate professional advice from the Officers;
 - 5) openness, meaning in accordance with the Council's Access to Information Rules set out on Part 4 of this Constitution;
 - 6) clarity of aims and desired outcomes;
 - 7) in accordance with the key aims and objectives of the Council, meaning that where more than one decision is available to achieve a desired outcome, the Council will make the decision which is most likely to advance the Council's key aims and objectives; and
 - 8) prudence, meaning that subject only to paragraph 7) above, where more than one decision is available to achieve a desired outcome, the Council will make the decision which places the least burden on the taxpayer.

12.3 Types of Decision Including Key Decisions

12.3.1 Decisions relating to the Council Functions referred to in Article 4.2 will be made by full Council and not delegated.

12.3.2 In this Constitution and subject to paragraph 12.3.3 and 12.3.4 below, reference to a "Key" Decision is a reference to any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:

- 1) result in expenditure or the making of savings which are significant, having regard to the budget for the function or service to which the decision relates; or
- 2) be significant in its effect on persons living or working in an area comprising two or more wards in the District.

12.3.3 Notwithstanding the provisions of paragraph 2) above a decision will only be deemed to be a Key Decision if it:

- 1) relates to the development and approval of the Budget; or
- 2) relates to the development approval and review of the Policy Framework, or
- 3) is otherwise outside the Budget and Policy Framework; or
- 4) is likely to result in expenditure or the making of savings exceeding the Key Decision Threshold from time to time determined by the Council in accordance with paragraph (4) below.

12.3.4 The Council will take into account:

- 1) the Council's Medium Term Financial Strategy;
- 2) the Policy Framework including, in particular, the commitments contained in the Joint Sustainable Community Strategy and Joint Business Plan;
- 3) the range of statutory and discretionary services delivered by the Council;
- 4) the nature of the decisions delegated to Officers by the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution; and
- 5) the population of the District;

in determining a financial threshold (called "the Key Decision Threshold").

12.3.5 The Key Decision Threshold for the time being determined in accordance with paragraph (4) above is recorded in Rule 18 of the Access to Information Rules set out at Section D of Part 4 of this Constitution.

12.3.6 Key Decisions will only be taken in accordance with the requirements of the Cabinet Procedure Rules set out in Section B of Part 4 of this Constitution, (but subject to the scrutiny requirements of the Overview and Scrutiny Procedure Rules, Access to Information Rules and Budget and Policy Framework Procedure Rules set out in Sections C, D and E of Part 4 of this Constitution).

12.4 Decision Making by the Full Council

12.4.1 Subject to Article 12.8, when determining any matter, the Council will comply with the requirements of the Council Procedures Rules set out in Section A of Part 4 of this Constitution.

12.5 Decision Making by the Cabinet

12.5.1 Subject to Article 12.8, when determining any matter, the Cabinet will comply with the Cabinet Procedures Rules set out in Section B of Part 4 of this Constitution.

12.6 Decision Making by Overview Committees

12.6.1 In the determination of any matter an Overview Committee will comply with the Overview and Scrutiny Procedures Rules set out in Section C of Part 4 of this Constitution.

12.7 Decision Making by the Regulatory and Other Committees and Sub-Committees of the Council

12.7.1 Subject to Article 12.8, the regulatory and other Committees and Sub-Committees established by the Council, when determining any matter, will comply with the Council Procedures Rules set out in Section A of Part 4 of this Constitution (to the extent provided by Rule 21.2 of those rules).

12.8 Decision Making by Council Bodies dealing with Hearings or Appeals

12.8.1 When the Council or one of its Regulatory Committees including the Audit and Standards Committee, or an officer acting under delegated powers, is acting in a quasi judicial capacity or determining the civil rights and obligations of any person, any procedures adopted will accord with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

Article 13 – Finance, Contracts and Legal Matters

13.1 Financial Management

- 13.1.1 The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Section F Part 4 of this Constitution.

13.2 Contracts

- 13.2.1 Every contract made by the Council will comply with the Contract Procedure Rules set out in Section G of Part 4 of this Constitution.

13.3 Legal Proceedings

- 13.3.1 The Head of Legal and Democratic Services is authorised to institute, conduct, defend, participate in, or compromise, any legal proceedings whether civil or criminal, in any case where such action is necessary to give effect to a decision of the Council or any part of it (including one made in accordance with the Scheme of Delegations to Officers set out in Part 7 of this Constitution), or, following consultation with the Chairman of the Council or the Cabinet Leader, in any case where he/she considers that such action is necessary to protect the Council's interests.

Note: The Principal Solicitors are authorised to carry out and perform the delegations allocated to the Head of Legal and Democratic Services under the Council's Constitution (particularly the Scheme of Delegation to Officers and Article 13) and to act and sign in the name of the Head of Legal and Democratic Services

- 13.3.2 The Head of Legal and Democratic Services can authorise Legal Officers of Bucks County Council, Aylesbury Vale District Council, Wycombe District Council and/or South Bucks District Council to prosecute/defend various legal actions in the Magistrates/Crown Court on behalf of the Council.

13.4 Authentication of Documents

- 13.4.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services 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. (See note to 13.3.1).
- 13.4.2 Any contract entered into on behalf of the Council in the discharge of a Cabinet Function shall be in writing and, where it meets or exceeds the financial limits in the Contract Procedure Rules which require contracts to be under seal, shall be made under the Common Seal of the Council.

13.5 Common Seal of the Council

- 13.5.1 The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services.

- 13.5.2 A decision of the Council or one of its Committees acting under delegated powers, or of the Cabinet, or of a Committee of the Cabinet, or the Cabinet Leader or a Cabinet Portfolio Holder acting under delegated powers, or of a Joint Committee where the Council acts as Lead Authority, or one made in accordance with the Scheme of Delegations to Officers set out in Part 7 of this Constitution, will be sufficient authority for sealing any document necessary to give effect to the decision.
- 13.5.3 The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed or are required to be sealed by the Contract Procedure Rules in Section G Part 4 of this Constitution. The affixing of the Common Seal will be attested by the Director of Resources or in his/her absence, another Director or the Chief Executive.
- 13.5.4 Contracts or Agreements entered into other than by Letter of Acceptance, Official Order or affixing of the Common Seal of the Council will be signed for and on behalf of the Council by a Director and/or the Head of Legal and Democratic Services. A Principal Solicitor may be a co-signatory in the absence of the Head of Legal and Democratic Services. Any Contracts or Agreements so signed will be recorded in a Register maintained by the Head of Finance for that purpose.

Article 14 – Review and Revision of the Constitution

14.1 Duty to Monitor and Review the Constitution

14.1.1 The Council will constitute a Committee of the Council (to be known as the Governance and Electoral Arrangements Committee) who will be responsible for monitoring and reviewing the operation of the Constitution and making recommendations to full Council in respect thereof.

14.2 Changes To and Within the Constitution

14.2.1 All amendments to the Constitution shall be approved by full Council following consideration of the report and recommendations of the Governance and Electoral Arrangements Committee in relation thereto, with the exception of the following which may be made by the Monitoring Officer:

- (i) changes to give effect to any decisions of the Council;
- (ii) changes in the law;
- (iii) minor amendments such as to correct errors; and
- (iv) to ensure the Constitution is maintained up to date.

Any such changes shall be communicated to all Councillors.

14.2.2 Amendments to the Codes and Protocols set out in Part 5 of the Constitution will be approved by full Council following consideration of the report and recommendations of the Governance and Electoral Arrangements Committee.

14.2.3 Amendments to the Scheme of Delegations to Officers set out in Part 7 Section B of the Constitution may be made in year by the Council or the Cabinet (as the case may be) but may also be considered by the Governance and Electoral Arrangements Committee who shall make recommendations thereon to the Council or the Cabinet as appropriate.

14.2.4 All other amendments will be approved by full Council following consideration of the recommendations of a Committee of the Council or the report and recommendations of an officer, unless the proposed amendment relates to a Cabinet Function, in which case the Cabinet may approve the amendment of its own motion or following consideration of the report and recommendations of an officer.

14.2.5 Any proposal to change to executive arrangements consisting of an elected mayor and cabinet executive or elected mayor and council executive will be the subject of a referendum that complies with the Local Authorities (Referendum) (Petitions and Directions) (England) Regulations 2000, or such other Regulations as may from time to time amend or replace the same.

Article 15 – Suspension, Interpretation and Publication of the Constitution

15.1 Suspension of the Constitution

15.1.1 The Articles of this Constitution may not be suspended. The Rules set out in Section A of Part 4 of this Constitution may be suspended by full Council or the Cabinet to the extent permitted within those Rules and the law.

15.2 Interpretation of the Constitution

15.2.1 The ruling of the Chairman of the Council as to the interpretation of this Constitution or its application to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will nevertheless have regard to the purposes of this Constitution contained in Article 1.

15.3 Publication

15.3.1 The Chief Executive will make available an electronic or printed copy of this Constitution to each Member of the Council upon delivery to him/her of that individual's declaration of acceptance of office on the Member first being elected to the Council.

15.3.2 The Head of Legal and Democratic Services will ensure that copies of this Constitution and Summary are available for inspection at the Council Offices and are available as a free download from the Council's website.

Schedule 1 – Description of Executive (Cabinet) Arrangements

The following parts of this Constitution constitute the Executive arrangements of Chiltern District Council:

1. Article 6 (The Cabinet) and the Cabinet Procedure Rules;
2. Article 7 (The Overview Committees) and the Overview and Scrutiny Procedure Rules;
3. Article 10 (Joint Arrangements) and Paragraph 2 of Section D of Part 3 of this Constitution entitled "Joint Arrangements made by the Cabinet";
4. Article 12 (Decision making) and the Access to Information Procedure Rules;
5. The Budget and Policy Framework Procedure Rules
6. The table in Section B of Part 3 of this Constitution entitled "Responsibility for Functions";
and
7. Section B of Part 7 (Scheme of Delegations to Officers) in so far as it relates to the delegation of decision making powers in respect of Cabinet Functions.

PART 3
SECTION A: Roles of Councillors and Officer Holders

1. Role Profile for All Councillors

1.1 Responsibilities

- 1) To contribute actively to the formation and scrutiny of the Council's policies, budgets, strategies and services.
- 2) To represent effectively the whole community with a special duty to their constituents, including those who did not vote for him or her.
- 3) To represent the Council on outside bodies as required.
- 4) To participate constructively in the good governance of the District.
- 5) To fulfil the statutory and locally determined requirements of an elected Member of a local authority. To comply with all relevant codes of conduct, and participate in those decisions and activities reserved for the full Council.

1.2 Key Tasks

- 1) To attend and participate effectively as a Member of any committee to which the Councillor is appointed.
- 2) To participate in the activities of any outside body to which the Councillor is appointed, providing two-way communication between the organisations, and reporting as required to the Council. To develop and maintain a working knowledge of the Council's policies and practices in relation to that body and of the community's needs and aspirations.
- 3) To participate in the scrutiny or performance review of the services of the Authority including where the Council so decides, the scrutiny of policies and budget, and their effectiveness in achieving the strategic objectives of the Council.
- 4) To participate in any advisory group to which the Councillor is appointed, as convened by the Cabinet from time to time.
- 5) To participate, as appropriate, in consultation with the community and with other organisations.
- 6) To develop and maintain a working knowledge of the Council's services, management arrangements, organisation and activities, powers/duties, and constraints.
- 7) To contribute constructively to open government and democratic renewal through active encouragement to the community to participate in the governance of the District.
- 8) To maintain professional working relationships with all Members and Officers.
- 9) To identify and participate in opportunities for further development and training as a Councillor.

2. Additional Responsibilities and Tasks for Cabinet Councillors

These role profiles should be read in conjunction with the role profile for all councillors.

2.1 Cabinet Leader

2.1.1 Responsibilities

- 1) Ensure efficient and effective services, where they are relevant to the needs of the community and the responsibility of Chiltern District Council, in the short, medium and long term.
- 2) Provide visible political leadership in relation to citizens, stakeholders and partners in the overall co-ordination of policies, strategies and service delivery affecting the locality.
- 3) Lead the Cabinet in its work to develop the policy framework and budget and take overall political control of the Council within the agreed policy framework.
- 4) Lead the development of local and regional strategic partnerships.
- 5) Ensure the appropriate representation of the Council on key outside bodies.

2.1.2 Key Tasks

- 1) To provide leadership to the Council and its political administration, and lead the presentation of the recommendations, plans, policies and decisions of the Cabinet and the Council.
- 2) To represent the Council's political and strategic decision-making in the community and in discussions with regional, national and international organisations and others in order to pursue matters of interest to the Council and its communities and to keep the Council and the Cabinet informed accordingly.
- 3) To nominate Members of the Cabinet and propose the allocation of Cabinet portfolios to full Council for approval.
- 4) To develop and maintain good working relations and effective channels of communication with the Chairman of each Overview Committee
- 5) To direct, manage and chair meetings of the Cabinet and to take responsibility, individually and/or collectively for any specific portfolio, including providing a political lead in proposing new policy, strategy, budget and service standards and reviews, as well as acting as spokesperson for the Council.
- 6) To direct and manage the Chief Executive, and to meet regularly (with or without the Cabinet) with the Chief Executive, Directors and other relevant senior officers to consider and recommend action within approved policies and strategies.

- 7) To consider the development and training needs of the Cabinet and members generally and arrange for training sessions or suitable briefings as appropriate.
- 8) To receive and act as appropriate upon representations from councillors, the public, organisations and senior officers.

2.2 Deputy Cabinet Leader (with Portfolio)

2.2.1 Responsibilities

Assist and deputise for the Leader in his/her absence or when required in any of the Leader's areas of responsibilities.

2.2.2 Key Tasks

Assist and deputise for the Leader in all his/her key tasks.

2.3 All Cabinet Councillors with Portfolio

2.3.1 Responsibilities

- 1) To take responsibility within the Cabinet on the basis of collective decision making and such individual delegation that may apply, for a portfolio of services or functions of the Council.
- 2) To input into the Cabinet any information, intelligence or factors considered relevant to the issues under consideration by the Cabinet.
- 3) To contribute actively through the portfolio and membership of the Cabinet to the formation, implementation, monitoring and scrutiny of the Council's policies, budgets, strategies and services.

2.3.2 Key Tasks

- 1) To participate in the Cabinet and to implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council, including proposing new policy, strategy, programming, budget and service standards, and leading performance review.
- 2) To develop a clear understanding and in depth knowledge of the respective portfolio, the scope and range of the relevant services for which he/she is responsible and an awareness of current agreed policies and budgetary implications in respect of those services.
- 3) To consult and communicate with all members, council officers, key partners and the community as appropriate to ensure policies, strategies, budgets and decisions are well informed and that Council policies are widely understood and positively promoted.

- 4) To ensure that the Council is briefed at the appropriate time on significant issues within the respective portfolio – i.e. those which have financial or other major resource implications or which will result in a change to established policy.
- 5) To act as spokesperson for the Council and answer and account to the Council and the community on matters within the portfolio.
- 6) To work closely with the Chief Executive, Director and other senior officers responsible for the services within the portfolio and the relevant Overview Committee Chairman.
- 7) To appraise the performance of the Chief Executive, Directors and Heads of Service in accordance with a scheme agreed by the Council.
- 8) To work with officers on the implementation of agreed plans, policies and programmes within the portfolio and inform the Cabinet of progress and performance.
- 9) To participate in scrutiny or performance reviews of services as requested by an Overview Committee.
- 10) To represent the Council and the Cabinet in the community and elsewhere as required by the Leader.

3. Additional Responsibilities and Tasks for Non-Cabinet Councillors

3.1 Chairman of the Council

3.1.1. Responsibilities

- 1) To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary.
- 2) To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
- 3) 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 members are able to hold the Cabinet to account.
- 4) To promote public involvement in the Council's activities.
- 5) To be the conscience of the Council, and act impartially.
- 6) To attend such civic and ceremonial functions as the Council and/or he/she determines appropriate and take precedence at formal occasions.
- 7) To ensure the dignity of the office and Council is maintained at all times.

3.1.2 Key Tasks

- 1) To chair all meetings of the full Council.
- 2) To chair major consultation meetings organised by the Council, as appropriate.
- 3) To set the standard of conduct to be expected from all Councillors.
- 4) To help represent the Council in the community and in discussions with regional, national and international organisations and others.
- 5) To attend functions appropriate to the position of Chairman of the Council.
- 6) To host an annual reception and other smaller appropriate functions as necessary.
- 7) To act as host to visiting Royalty, civic dignitaries and other important visitors.
- 8) To ensure that if he or she is unable to attend an appropriate event, that the Vice Chairman of Council or other councillor nominee will attend.
- 9) To meet with relevant officers to ensure the receipt of appropriate advice to enable effective decisions.

3.2 Vice-Chairman of the Council

3.2.1 Responsibilities

- 1) To assist the Chairman of the Council in whatever appropriate activities the Chairman requests.
- 2) To deputise for the Chairman of the Council in his or her absence.

3.2.2 Key Tasks

- 1) To assist the Chairman of the Council in the ceremonial business of the Council and deputise and assist in all other activities as appropriate.
- 2) To be familiar with all relevant rules, procedures and protocols and undertake relevant training and development.

3.3 Chairman of an Overview Committee

3.3.1 Responsibilities

- 1) To chair meetings of an Overview Committee and hold specific responsibility for the programming and direction of reviews, accessing professional advice where appropriate, and the assembly and presentation to Council of reports, including minority reports, where necessary.
- 2) Within the Terms of Reference of the Committee to lead the scrutiny functions of the Council in holding the Cabinet to account, to review and develop policy, and to consider key issues of local concern.
- 3) Set a positive and constructive style and tone to the overview and scrutiny process.

3.3.2 Key Tasks

- 1) To chair one of the Overview Committees and develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference.
- 2) To propose an Annual Overview Programme or work plan, drawn up in consultation with councillors and senior officers, to achieve a balance of service interests and broad coverage of all council services over time.
- 3) To take a lead role in reviewing and/or scrutinising decisions made or actions taken in connection with the discharge of any of the Council's functions, whether reserved to full Council or one of its committees, or to the Cabinet which fall within the Terms of Reference of the Committee.
- 4) To exercise the power to call-in a decision of the Cabinet made but not implemented and falling within the Terms of reference of the Committee in a

responsible and impartial manner in accordance with the Overview and Scrutiny Procedure Rules.

- 5) To lead the development and investigation of policy proposals referred to the Committee by the Cabinet and to maintain regular liaison with the Cabinet Leader and relevant Cabinet Portfolio Holder.
- 6) To take a lead role in scrutinising the decisions of officers, after consultation with the Chief Executive.
- 7) To lead in identifying cross-cutting strategy issues and ensure a corporate approach to appropriate scrutiny in such areas
- 8) To take a lead role in reviewing the performance of other public bodies in the area provided such review directly or indirectly relates to matters falling within the Terms of Reference of the Committee.
- 9) In partnership with the appropriate senior officers, to contribute to the agenda for committee meetings.
- 10) To meet with relevant officers to ensure the receipt of appropriate advice to ensure effective scrutiny and review.
- 11) To ensure contact with non- executive councillors, community representatives and local stakeholders to ensure the effective scrutiny of policies, strategies, budgets and performance.
- 12) To be familiar with the urgency provisions and consider proposals put forward by the Cabinet under these procedures.
- 13) To act as Spokesperson for the Committee and ensure reports and statements reflect the Committee's deliberations to Council and elsewhere.
- 14) To undertake such other meetings as are necessary for effective and efficient functioning of the Committee within its terms of reference.
- 15) To advise the Council as and when there is a need to convene an ad-hoc sub-committee to carry out any part of the scrutiny function.
- 16) To consider the development requirements and training of members of the Overview Committee and to notify the Chairman of the Audit and Standards Committee accordingly.

3.4 Vice Chairman of an Overview Committee

3.4.1 Responsibilities

To assist and deputise for the Chairman of the relevant Overview Committee and to exercise the power to call-in a decision of the Cabinet made but not implemented and falling within the Terms of reference of the Committee in a responsible and impartial manner in accordance with the Overview and Scrutiny Procedure Rules.

3.4.2 Key Tasks

- 1) To assist and deputise for the Chairman of the relevant Overview Committee in all the key tasks of the role as allocated by the Chairman or by the terms of this Constitution

3.5 Chairman and Vice-Chairman of the Regulatory and Other Committees

(Planning, Audit and Standards, Governance and Electoral Arrangements, Appeals and Complaints, Licensing Committee, Joint Staffing Sub-Committee and the Licensing Sub Committee).

(a) As Chairman

3.5.1 Responsibilities

To chair meetings of a statutory or regulatory committee, accessing professional advice, maintaining impartiality and independence, and conducting meetings in accordance with fairness, normal decision making principles and statutory advice.

3.5.2 Key Tasks

- 1) To chair the committee and develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the committee's terms of reference.
- 2) To meet with relevant officers to ensure the receipt of appropriate advice to inform effective decisions.
- 3) To consider the development and training requirements of members of the committee and to notify the Chairman of the Audit and Standards Committee accordingly
- 4) To develop a specialist knowledge in the subject area of the committee, particularly Government guidance and local policies.

(b) As Vice-Chairman

To assist and deputise for the Chairman in all matters relating to the responsibilities and tasks of the committee.

4. Additional Responsibilities of Group Leaders

4.1 Purpose of Role

- 1) To provide leadership to one of the political groups of the Council
- 2) To ensure effective, positive and constructive approach to the governance of the Council.
- 3) To encourage regular attendance and active participation at full Council and meetings of Committees and external bodies to which members of that party group have been nominated or appointed.

4.2 Key Tasks

(a) As Majority Party or Joint Administration Group Leader

- 1) Provide political leadership of the main political grouping of the Council.

(b) As a Group Leader

- 1) To lead one of the political groups of the Council.
- 2) To act as the spokesperson for that group.
- 3) To nominate members of his/her group to serve on committees, and, if appropriate, local outside bodies.
- 4) To identify the training needs of members of the group and to notify the Chairman of the Audit and Standards Committee accordingly.

(c) As Minority Group Leader

- 1) To lead the (or one of the) political groups providing the Council's formal opposition, including scrutiny of the political administration of the Council.

Note: The role of majority party or joint administration group leader may be combined with Leader of the Cabinet. If this is the case, the role should be read in conjunction with that role profile.

PART 3
SECTION B: Responsibility for Functions

1. Functions Reserved to Full Council

1.1 The functions identified in Table 1 below are reserved to full Council.

TABLE 1: FUNCTIONS RESERVED TO FULL COUNCIL	
1)	approving adopting or amending this Constitution;
2)	approving, adopting or amending the Policy Framework and the Budget;
3)	subject to the urgency procedure contained in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution, the making of any decisions about any matter in the discharge of a Cabinet 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 not be in accordance with, or contrary to, the Policy Framework and/or the Budget;
4)	making, amending, revoking or adopting, bye-laws or promoting or opposing local acts;
5)	establishing and agreeing and/or amending the terms of reference of any Committee of the Council (other than a Committee of the Cabinet) including its composition and the making of appointments to it;
6)	appointing the Cabinet Leader and to receive the Leader's choice of appointments to the Cabinet;
7)	appointing representatives to outside bodies unless the appointment is a Cabinet Function or has been delegated by the Council to the Cabinet, a committee or an officer;
8)	following consultation with the independent panel established by the Council for the purposes of making recommendation to the Council in connection therewith, the adoption or amendment of a scheme of allowances for the Council;
9)	changing the name of the District or conferring the title of Honorary Alderman;
10)	specifying contracts above a specified value or of a specified description which must be in writing;
11)	confirming the appointment or dismissal of the Head of Paid Service; and
12)	all other matters which by law must be reserved to full Council.

Together with - all those matters for the time being specified as functions not to be the responsibility of an authority's executive (cabinet) in the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and any other regulations amending, modifying and/or expanding same – which shall include:

- the functions of imposing any conditions, limitation or other restriction on an approval, consent, licence, permission or registration granted in the exercise of any of those functions and determining any other terms to which any such approval, consent, licence, permission or registration is subject;
- the function of determining whether and in what matter to enforce any failure to comply with an approval, consent, licence, permission or registration granted; any failure to comply with a condition, limitation or term to which any such approval, consent, licence, permission or registration is subject or any other contravention in relation to a matter with regard to which the function of determining an application, for approval, consent, licence permission or registration;
- the function of amending, modifying or varying any such approval, consent, licence, permission or registration or any condition, limitation or term to which it is subject or revoking any such approval, consent, licence, permission or registration.

2. Council Functions That May Be Referred or Delegated

- 2.1 The functions identified in the left hand column of Table 2 below by reference to the enactment specified in the right hand column are the responsibility of full Council, but may be referred or delegated to a Committee or Sub-Committee of the Council in accordance with Section G of this Part of the Constitution. Any delegation of a Council function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

TABLE 2: COUNCIL FUNCTIONS THAT MAY BE REFERRED OR DELEGATED	
Note:	
<ul style="list-style-type: none"> Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended from time to time) (with delegated authority given to the Head of Legal and Democratic Services/Monitoring Officer to update the function/responsibilities recited herein as a consequence of changes to the 2000 Regulations from time to time/as necessary 	
Function	Enactment
A - Functions relating to Town and Country Planning and Development Control	
1) Power to determine applications for Planning permission.	Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990.
2) Power to determine applications to develop land without compliance with conditions previously attached.	Section 73 of the Town and Country Planning Act 1990.
3) Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4) Power to decline to determine applications for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5) Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6) 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 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).

7)	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 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8)	Power to enter into agreements regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9)	Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10)	Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11)	Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12)	Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13)	Power to require the discontinuance of a use of land.	Section 102 of the Town and Country Planning Act 1990.
14)	Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.	Sections 171C, 187A, 183(1) and 171E of the Town and Country Planning Act 1990.
15)	Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16)	Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17)	Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
18)	Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
19)	Power to determine applications for listed building consent, and related powers.	Sections 16(1) and (2), 17 and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20)	Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
21)	Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 26 of Department of the Environment Transport and the Regions Circular 01/01.

22)	Power to serve a building preservation notice and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23)	Power to issue enforcement notices in relation to demolition of listed building in conservation area.	Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
24)	Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25)	Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26)	Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27)	Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
28)	Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
29)	Powers to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property.	Section 69 of the Anti Social Behaviour Act 2003
29a)	SI 2005 No. 714 Powers relating to complaints about high hedges.	Part 8 of Anti-Social Behaviour Act 2003.
30)	Power to enter neighbouring land.	Section 74 of the Anti Social Behaviour Act 2003
31)	Power to carry out works in default of compliance with a remedial notice.	Section 77 of the Anti Social Behaviour Act 2003
32)	Power to enter land.	Section 324 of the Town and Country Planning Act 1990.
33)	Power to obtain information as to interests in land.	Section 330 of the Town and Country Planning Act 1990.
B - Licensing and registration functions (in so far as not covered by any other paragraph of this Table)		
1)	Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2)	Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.

3) Power to license hackney carriages and private hire vehicles.	(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976; (b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
4) Power to license drivers of hackney carriages and private hire vehicles.	Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5) Power to license operators of hackney carriages and private hire vehicles.	Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.
5a) Power to register pool promoters.	Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order. Note: The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.
5b) Power to grant track betting licences.	Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5c) Power to license inter-track betting schemes.	Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.
5d) Power to grant permits in respect of premises with amusement machines.	Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.
5e) Power to register societies wishing to promote lotteries.	Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.
5f) Power to grant permits in respect of premises where amusements with prizes are provided.	Schedule 3 to the Lotteries and Amusements Act 1976, as saved for certain purposes by the Gambling Act Order.
5g) Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
5h) Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).

5i)	Power to issue entertainments licences.	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
6)	Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).
7)	Power to license performances of hypnotism.	The Hypnotism Act 1952.
8)	Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9)	Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
10)	Power to license market and street trading.	Part III of, and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
11)	Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972.
12)	Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.
13)	Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
14)	Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
15)	Power to regulate Motor Salvage Operators.	Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
16)	Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
16a)	Power to issue safety certificates.	The Regulatory Reform (Fire Safety) Order 2005

17)	Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18)	Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
19)	Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20)	Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
21)	Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
22)	Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
23)	Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).
23a)	Power to approve Premises for the solemnization of marriages.	Section 46A of the Marriages Act 1949 and the Marriages (Approved Premises) Regulations 1995.
24)	Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
25)	Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
26)	Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
27)	Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
28)	Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
28a)	Power to issue licences for movement of pigs.	Article 12 of the Pigs (Records, Identification and Movement) Order 1995.
28b)	Power to license the sale of pigs.	Article 13 of the above 1995 Order.
28c)	Power to license collecting centres for the movement of pigs.	Article 14 of the above 1995 Order.
28d)	Power to issue a licence to move cattle from a market.	Article 5(2) of the Cattle Identification Regulations 1998.

29)	Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
30)	Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
31)	Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
32)	Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
33)	Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34)	Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
35)	Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
36)	Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37)	Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
38)	Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
39)	Power to make closing orders with respect to take-away food premises.	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
40)	Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
41)	Power to make orders restricting the consumption of alcohol in a public place.	Section 13 Criminal Justice & Police Act 2001
42)	S.I. 2004 No. 2748 Functions relating to licensing including but not limited to:	Sections 5 to 8 of the Licensing Act 2003.

42a)	Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment.	Sections 18, 35, 39,44, 52, 72,85, 88 and Schedule 1 and 2 Licensing Act 2003
43)	Power to issue a provisional statement.	Section 31 of the Licensing Act 2003
44)	Power to cancel an interim authority notice.	Section 49 of the Licensing Act 2003
45)	Powers to inspect premises before grant of licence.	Sections 59 and 96 of the Licensing Act 2003
46)	Power to grant or renew a personal licence.	Section 117 of the Licensing Act 2003
47)	Right of entry where temporary event notice is given.	Section 108 of the Licensing Act 2003
48)	Rights of entry to investigate licensable activities.	Section 179 of the Licensing Act 2003
49)	Power to close noisy premises.	Section 40 Anti Social Behaviour Act 2003
50)	Issue of fixed penalty notice for graffiti or fly-posting.	Section 43 Anti Social Behaviour Act 2003
51)	Service of graffiti removal notice.	Section 48 Anti Social Behaviour Act 2003
52)	Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.	Sections 163,164, 187,188 199 and 202, 203 and 205 of the Gambling Act 2005
53)	Power to issue a provisional statement.	Section 204 of the Gambling Act 2005
54)	Hearing of an objection to a temporary use notice.	Section 222 of the Gambling Act 2005
55)	Power to issue a counter notice to a temporary use notice.	Section 224 of the Gambling Act 2005
56)	Power to issue, vary, renew or cancel a club gaming permit.	Section 271, 274 and Schedule 12 of the Gambling Act 2005
57)	Power to issue, vary, renew or cancel a club machine permit.	Section 273, 274 and Schedule 12 of the Gambling Act 2005
58)	Power to issue, transfer, vary or cancel a licensed premises gaming machine permit.	Section 283 and Schedule 13 of the Gambling Act 2005

59)	Power to make an order disapplying Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines).	Section 284 of the Gambling Act 2005
60)	Power to issue or renew a prize gaming permit.	Section 289 and Schedule 14 of the Gambling Act 2005
61)	Power to issue or renew a family entertainment centre gaming machine permit.	Section 247 and Paragraphs 8 and 18 of Schedule 10 of the Gambling Act 2005
62)	Power to enter premises (various).	Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005
63)	Registration of small society lotteries.	Section 258 and Part 4 Paragraphs 38 and Part 5 of Schedule 11 of the Gambling Act 2005
64)	Refusal to register a small society lottery.	Section 258 and Part 5 Paragraph 47 of Schedule 11 of the Gambling Act 2005
65)	Revocation of registration of a small society lottery.	Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005
66)	S.I. 2006 No. 886 Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
67)	Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
68)	Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
69)	Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.
70)	S.I. 2007 No. 1284 Power to designate officer of a Licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.
71)	Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
72)	Power to exchange information.	Section 350 of the Gambling Act 2005.

73)	Functions relating to the determination of fees for premises licences.	The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007.
74)	S.I. 2008 No. 2787 Function relating to the registration of Common Land and town and village greens.	Part of the Commons Act 2006 and the Commons and Registration (England) Regulations 2008. S.I. 2008/1961.
C - Functions relating to health and safety at work		
Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.		Part I of the Health and Safety at Work etc. Act 1974.
D - Functions relating to elections		
1)	Duty to appoint an electoral registration officer.	Section 8(2) of the Representation of the People Act 1983.
2)	Power to assign officers in relation to requisitions of the registration officer.	Section 52(4) of the Representation of the People Act 1983.
3)	Functions in relation to parishes and parish councils.	Part II of the Local Government and Rating Act 1997 and subordinate legislation under that Part.
4)	Power to dissolve small parish councils.	Section 10 of the Local Government Act 1972.
5)	Power to make orders for grouping parishes, dissolving groups and separating parishes from groups.	Section 11 of the Local Government Act 1972.
6)	Duty to appoint returning officer for local government elections.	Section 35 of the Representation of the People Act 1983.
7)	Duty to provide assistance at European Parliamentary elections.	Sections 6 (7) and (8) of the European Parliamentary Elections 2002.
8)	Duty to divide constituency into polling districts.	Sections 18A to 18E of and Schedule 1A to the Representation of the People Act 1983.
9)	Power to divide electoral divisions into polling districts at local government elections.	Section 31 of the Representation of the People Act 1983.
10)	Powers in respect of holding of elections.	Section 39(4) of the Representation of the People Act 1983.
11)	Power to pay expenses properly incurred by electoral registration officers.	Section 54 of the Representation of the People Act 1983.

12)	Power to fill vacancies in the event of insufficient nominations.	Section 21 of the Representation of the People Act 1985.
13)	Duty to declare vacancy in office in certain cases.	Section 86 of the Local Government Act 1972.
14)	Duty to give public notice of a casual vacancy.	Section 87 of the Local Government Act 1972.
15)	Power to make temporary appointments to parish councils.	Section 91 of the Local Government Act 1972.
16)	Power to determine fees and conditions for supply of copies of, or extracts from, election documents.	Rule 48(3) of the Local Elections (Principal Areas) Rules 1986 (S.I.1986/2214) and rule 48(3) of the Local Elections (Parishes and Communities) Rules 1986 (S.I. 1986/2215).
17)	Power to submit proposals to the Secretary of State for an order under Section 10 (pilot schemes for local elections in England and Wales) of the Representation of the People Act 2000.	Section 10 of the Representation of the People Act 2000.
18)	Duty to consult on change of scheme for elections.	Sections 33(2), 38(2) and 40(2) of the 2007 Act.
19)	Duties relating to publicity.	Sections 35, 41 and 52 of the 2007 Act.
20)	Duties relating to notice to Electoral Commission.	Sections 36 and 42 of the 2007 Act.
21)	Power to alter years of ordinary elections of parish councillors.	Sections 53 of the 2007 Act.
22)	Functions relating to change of name of electoral area.	Section 59 of the 2007 Act. Note – No. 19 -22 – the 2007 Act means the Local Government and Public Involvement in Health Act 2007
E - Functions relating to name and status of areas and individuals		
1)	Power to change the name of the District.	Section 74 of the Local Government Act 1972.
2)	Power to change the name of a parish.	Section 75 of the Local Government Act 1972.
3)	Power to confer title of honorary alderman or to admit to be an honorary freeman.	Section 249 of the Local Government Act 1972.
4)	Power to petition for a charter to confer borough status.	Section 245b of the Local Government Act 1972.
EB - Functions relating to Community Governance		Note – the 2007 Act means the Local Government Public Involvement in Health Act 2007

1)	Duties relating to community governance reviews.	Section 79 of the 2007 Act.
2)	Functions relating to community governance petitions.	Sections 80, 83 to 85 of the 2007 Act.
3)	Functions relating to terms of reference of review.	Sections 81(4) to (6).
4)	Power to undertake a community governance review.	Sections 82 of the 2007 Act.
5)	Functions relating to making of recommendations.	Sections 87 to 92 of the 2007 Act.
6)	Duties when undertaking review.	Section 93 to 95 of the 2007 Act.
7)	Duty to publicise outcome of review.	Section 96 of the 2007 Act.
8)	Duty to send two copies of order to Secretary of State and Electoral Commission.	Section 98(1) of the 2007 Act.
9)	Power to make agreements about incidental matters.	Section 99 of the 2007 Act.
F - Power to make, amend, revoke or re-enact or enforce byelaws		Any provision of any enactment (including a local Act) whenever passed and Section 14 of the Interpretation Act 1978.
FA - Functions relating to smoke-free premises etc		
1)	Duty to enforce Chapter 1 and regulations made under it.	Section 10(3) of the Health Act 2006.
2)	Power to authorise officers.	Section 10(5) of, and paragraph 1 of Schedule 2 to, the Health Act 2006.
3)	Functions relating to fixed penalty notices.	Paragraphs 13, 15 and 16 of Schedule 1 to the Health Act 2006. Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007 (S.I. 2006/760).
4)	Power to transfer enforcement functions to another enforcement authority.	Smoke-free (Premises and Enforcement) Regulations 2006 – SI 2006/3368.
G - Power to promote or oppose local or personal Bills		Section 239 of the Local Government Act 1972.
H - Functions relating to local government pensions etc		Regulations under section 7, 12 or 24 of the Superannuation Act 1972.
I - Miscellaneous functions		
As amended S.I. 2001: No. 2212 and S.I. 2004 No. 2748		

1)	Power to stop up footpaths and bridleways or highway.	Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.
2)	Power to make a rail crossing extinguishment Order.	Section 118A of the Highways Act 1980
3)	Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980
4)	Power to make a rail crossing diversion Order.	Section 119A of the Highways Act 1980
5)	Power to require applicant for Order to enter into an agreement.	Section 119C(3) Highways Act 1980
6)	Power to extinguish public right of way over land acquired for clearance.	Section 294 Housing Act 1985
7)	Power to authorise stopping up or diversion of footpath or bridleway.	Section 257 of the Town & Country Planning Act 1990
8)	Power to extinguish public rights of way over land held for planning purposes.	Section 258 of the Town & Country Planning Act 1990
8a)	Power to extinguish certain public rights of way.	Section 32 of the Acquisition of Land Act 1981.
9)	Duty to make arrangements for the proper administration of financial affairs etc.	Section 151 of the Local Government Act 1972
10)	Duty to approve the Council's statement of accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be).	The Accounts and Audit Regulations 1996 (S.I. 1996/590).
11)	Power to make standing orders.	Section 106 of, and paragraph 42 of Schedule 12 to, the Local Government Act 1972.
12)	Duty to designate officer as the head of the authorities paid service, and to provide staff etc.	Section 4(1) of the Local Government & Housing Act 1989
13)	Duty to designate officer as the monitoring officer, and to provide staff etc.	Section 5(1) of the Local Government and Housing Act 1989 and S.82A (4) and (5) of the Local Government Act 2000.
14)	Power to appoint staff and to determine the terms and conditions on which they hold office (including procedures for their dismissal).	Section 112 of the Local Government Act 1972
14a)	Power to appoint officers for particular purposes (appointment of "proper officers").	Section 270(3) of the Local Government Act 1972.

14b) S.I. 2004: No. 2748 Powers relating to Overview and Scrutiny Committee (Voting Rights of Co-opted Members).	Paragraphs 12 and 14 of Schedule 1 to the LGA 2000.
15) Power to make standing orders as to contracts (other than the power to specify contracts above a specified value or of a specified description which must be in writing).	Section 135 of the Local Government Act 1972.
16) Power to make payments or provide other benefits in cases of maladministration etc.	Section 92 of the Local Government Act 2000.
17) S.I. 2008 No. 2787 Power to apply for an enforcement order against unlawful works on common land.	Section 41 of the Commons Act 2006
18) Power to protect unclaimed registered common land and unclaimed village green against unlawful interference.	Section 45(2)(a) of the Commons Act 2006
19) Power to institute proceedings for offences in respect of unclaimed registered common land and unclaimed town or village green.	Section 45(2)(b) of the Commons Act 2006

3. Cabinet Functions

- 3.1 The functions identified in the left hand column of Table 3 below are the responsibility of the Cabinet, either wholly or to the extent set out in the central column. Decisions in connection with discharge of such functions can be taken by the person or body identified in the right hand column of the Table.

TABLE 3: CABINET FUNCTIONS

Function	Extent	Who Decides
A - General All the functions of the Council other than those specified in Tables 1 and 2 above.	The full extent – subject to the limitations set out in Paragraph C of this Table and Clause 3.2 below.	The Cabinet
B - 'Local Choice' Functions which full Council has determined will be the responsibility of the Cabinet		
1) Any function under a local Act (other than a function specified in Table 1 or 2 above)	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
2) Any function relating to contaminated land under Part IIA of the Environment Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
3) The discharge of any function relating to the control of pollution or the management of air quality.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
4) The power to inspect the District to detect any statutory nuisance under section 79 of the Environmental Protection Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
5) The duty to investigate any complaint as to the existence of a statutory nuisance under section 79 of the Environmental Health Act 1990.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
6) The duty to serve an abatement notice in respect of a statutory nuisance under section 80(1) of the Environmental Protection Act 1990	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
7) Determining that Schedule 2 to the	The full extent –	The Cabinet

	Noise and Statutory Nuisance Act 1993 should apply in the District.	subject to the limitations set out in Clause 3.2 below.	
8)	The obtaining of particulars of persons interested in land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9)	The appointment of any individual:		
9a)	to any office other than an office in which he is employed by the Council;	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9b)	to any body other than – the Council; a joint committee of two or more Councils; or	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
9c)	to any committee or sub- committee of such a body, and the revocation of any such appointment.	The full extent – subject to the limitations set out in Clause 3.2 below.	The Cabinet
C - Functions which are not the sole responsibility of the Cabinet			
1)	The formulation or preparation of the following plans or strategies:		
1a)	Chiltern and South Bucks Joint Business Plan;	Subject to amendment by and approval of Council.	The Cabinet
1b)	Chiltern and South Bucks Joint Sustainable Community Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1c)	Plans and strategies which together comprise the Development Plan; the Local Development Framework and Local Development Scheme	Subject to amendment by and approval of Council.	The Cabinet
1d)	Joint Waste Strategy for Buckinghamshire;	Subject to amendment by and approval of Council.	The Cabinet
1e)	Chiltern Community and Well Being Plan	Subject to amendment by and approval of Council.	The Cabinet
1f)	Housing strategies and policies comprising the Housing Framework including the Private Sector Housing	Subject to amendment by and approval of Council.	The Cabinet

	Strategy, Homelessness Strategy and Temporary Accommodation Strategy;		
1g)	Medium Term Financial Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1h)	Treasury Management Strategy;	Subject to amendment by and approval of Council.	The Cabinet
1i)	Statement of Principles under the Gambling Act 2005;	Subject to amendment by and approval of Council.	The Cabinet
1j)	Licensing Policy under the Licensing Act 2003	Subject to amendment by and approval of Council	The Cabinet
1k)	Taxi and Private Hire Licensing Policy	Subject to amendment by and approval of Council	The Cabinet
1l)	Contaminated Land Strategy	Subject to amendment by and approval of Council	The Cabinet
1m)	Asset Management Plan;	Subject to amendment by and approval of Council.	The Cabinet
1n)	Corporate Enforcement Strategy	Subject to amendment by and approval of Council.	The Cabinet
1o)	Chiltern and South Bucks Economic Development Strategy	Subject to amendment by and approval of Council	The Cabinet
1p)	Any other Plan or Strategy which full Council determines shall be adopted or approved by it.	Subject to amendment by and approval of Council.	The Cabinet
2)	Following approval and/or adoption by the Council of any of the plans or strategies referred to in (a) to (q) above, the amendment, modification, variation or revocation of the same.	Only if the amendment, modification, variation or revocation is necessary to give effect to a requirement of the Secretary of State or a Minister of the Crown, or if the Council, at the time it approved the plan or strategy under	The Cabinet

		consideration, gave the Cabinet the power to amend, modify, vary or revoke it.	
3)	Power to make payments or provide other benefits in cases of maladministration etc.	The full extent.	The Cabinet

3.2 Notwithstanding that a function may be the responsibility of the Cabinet by virtue of Table 3 above, (hereinafter called a Cabinet Function”) except in the circumstances referred to in Clause 3.3 below, the Cabinet will not be permitted to determine any matter in the discharge of such a Function if that determination is concerned with or relates to :-

- 1) the Council’s overall revenue or capital budget or the control of its borrowing requirement or capital expenditure; or
- 2) any other plan or strategy adopted or approved by the Council;

and the proposed determination will be contrary to, or not wholly in accordance with, the budget or any such plan or strategy for the time being approved or adopted by the Council in relation to its borrowing or capital expenditure, or is not otherwise authorised by the Budget and Policy Framework Procedure Rules, Financial Rules, Contract Procedure Rules or Cabinet Procedure Rules set out in Part 4 of this Constitution, or the determination will be contrary to any plan or strategy adopted or approved by the Council.

3.3 The circumstances referred to in clause 3.2 above are that it can reasonably be considered that there is an urgent need for the determination, and the consent of the Chairman of the relevant Overview Committee, or if he is unable to act, of the Chairman of the Council, or in his absence the Vice-Chairman, has been obtained.

3.4 Although the Cabinet exercises collective responsibility for decision making, individual Cabinet Members have lead responsibility for the functions/services set out in the table in Section C of this Part of the Constitution (Cabinet Portfolios). The Cabinet may delegate Cabinet Functions in the manner described in Article 10 of this Constitution. Any delegation through joint arrangements is described in of Section F of this Part (Joint Arrangements made by the Cabinet). Any delegation of a Cabinet Function to an Officer is described in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

PART 3
**SECTION C: Members of the Cabinet and Cabinet
Portfolios**

Cabinet Portfolios Agreed at Annual Council in May 2016

Portfolio	Functions	Director	HOS/Principal Officer	HOS Service Areas	Partnerships	Comparison with SBDC
Leader	Policy Performance Communications	CE	Comms, Policy & Performance Manager	Policy, Performance, Communications	Chiltern & South Bucks Strategic Partnership	Leader Strategy and direction (Comms: Community)
Support Services (Deputy Leader)	HR Strategic Finance	CE R	HR Manager Rodney Fincham	Personnel and Human Resources Strategic Finance		Resources (also includes asset management)
	Business Transformation ICT	R	Head of Business Support	Transformation Programme Management and Support, ICT Client, ICT Operations, GIS, Web Services, Information Management including FOI/Data Protection		
	Legal and Democratic Services	R	Head of Legal & Democratic Services	Legal, Democratic Services, Electoral Registration, Elections, Land Charges		
	Audit Finance Admin	R	Head of Finance	Management & Statutory Accountancy, Financial Administration, Internal Audit, External Audit Liaison		
Sustainable Development	Planning Enforcement Building Control Strategic Transport	S	Head of Sustainable Development	Planning Policy, Development Management, Conservation & Tree Preservation, Enforcement, Building Control, Economic Development, Strategic Transportation Issues, Landscape Advice	Bucks Planning Forum; Chilterns Crematorium Joint Committee	Sustainable Development
Environment	Property Car Parks Engineering Carbon Management Waste Management	S	Head of Environment	Property & Asset Management, Facilities Management, Parking, Cemeteries & Memorial Gardens, Public Conveniences, Street Naming, Engineering Services, Ground Maintenance, Operational Transport Issues, Waste Collection, Street Cleaning	Chilterns Crematorium Joint Committee; Joint Waste Collection Committee;	Environment
Community, Health & Housing	Community & Leisure	S	Head of Healthy Communities	Community Development & Cohesion, Grants, Safeguarding, Leisure Client, Leisure Operations, Sports Development	Chiltern Leisure Advisory Board	Community (includes comms and community safety)
Customer Services	Environmental Health Community Safety Licensing Housing Revenues and Benefits Customer Services	S R	Head of Healthy Communities Head of Customer Services	Environmental Health, Community Safety, Housing, Licensing, Emergency Planning/Health & Safety/Business Continuity Revenues & Benefits Client, Revenues & Benefits Operation, Fraud & Welfare Partnership, Customer Services	Chiltern Community Safety Partnership	Health & Housing (excludes community safety) Resources

SECTION D - DELEGATIONS TO CABINET PORTFOLIO HOLDERS

- 1 As a general rule the Cabinet acts collectively and Cabinet Portfolio holders accept collective responsibility for the decision taken.
- 2 Rule 2.2 (3) of the Cabinet Procedure Rules and Rules 17.2 and 17.3 of the Access to Information Procedure Rules set at Sections B and D of Part 4 of this Constitution permit the Cabinet as a collective to delegate decision making powers to individual Cabinet Portfolio holders and for a proper record to be made and publicity given to any decisions made.
- 3 For reasons of openness and accountability, the Council has resolved to keep and maintain in this part of the Constitution a record of all standing delegations to Cabinet Portfolio holders, including the Cabinet Leader. A standing delegation is defined to mean any delegation of decision making powers to an individual Cabinet Portfolio holder or to the Cabinet Leader that is intended to be exercised more than once in relation to a specific category or type of decision falling within the portfolio responsibilities of the decision maker.
- 4 The Table below sets out the current standing delegations to individual Cabinet Portfolio holders including the Cabinet Leader.

Portfolio holder	Nature of Delegation	Limitations on Delegations	Cabinet Minute Authority
Leader	None at present		
Community Health and Housing	None at present		
Support Services	None at present		
Sustainable Development	None at present		
Environment	None at Present		
Customer Services	None at Present		

SECTION E - JOINT ARRANGEMENTS MADE BY THE COUNCIL**3. The Chiltern and South Bucks Joint Appointments and Implementation Committee ("JAIC")****3.1 General**

A Joint Committee established by Chiltern District Council and South Bucks District Council ("the Councils") under an Inter- Authority Agreement dated 19 January 2012 to deal with the staffing issues arising out of the Joint Arrangements between the Councils.

3.2 Membership, Chairmanship and Quorum

Number of Members	Seven from each of the participating Councils
Substitute Members Permitted	Yes if allowed under the participating Councils Constitutions
Political Balance Rules Apply?	Yes
Appointments/Removals from Office	By a resolution of the participating Councils
Restrictions on Membership	In the case of Chiltern DC the membership of Personnel Committee will form the Council's seven members of JAIC
Restrictions on Chairmanship/Vice-Chairmanship	A member of the Council hosting the JAIC meeting will chair the meeting
Quorum	Three from each Council
Number of Ordinary Meetings per Council Year	Ad hoc as and when required
Venue	Venue to alternate between the participating Councils' offices

3.3 Terms of Reference

Pursuant to the provisions of Sections 101 and 102 of the Local Government Act 1972 and to the extent that Executive functions are involved then Section 9EB of the Local Government Act 2000 and the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 are relevant, the JAIC is authorised to exercise the following powers and functions of the participating Councils in connection with the implementation of the human resources implications of the Joint Arrangements and staffing matters following implementation of Joint Arrangements:-

- a. to deal with the arrangements for the appointments to the Joint Chief Executive and Joint Senior Management Team posts subject to the reference back to the relevant Full Council meeting of any decision which statutorily requires such approval;

- b. to deal with any other staffing related implementation matters relating to the Joint Arrangements;
- c. to be responsible for the overall management of human resources relating to the Joint Arrangements to enable the economic, efficient and effective provision of joint services;
- d. to ensure that appropriate policies and procedures are in place to support the objectives set out in a to c above;
- e. to consider reports from the Joint Staff Consultative Group and make recommendations thereon;
- f. to deal with any other statutory duties of the respective Councils relating to employment of staff in Joint Arrangements, not otherwise delegated to officers;
- g. to consider and advise the JC on any other human resource matter connected with the Joint Arrangements which the JC specifically asks the JAIC to consider and report on.

3.4 Delegations

All matters necessary to enable the JAIC to carry out its functions and remit save for any 'Reserved Decisions' as defined in the Inter-Authority Agreement.

PART 3
SECTION F: Joint Arrangements made by the Cabinet

1. The Chilterns Crematorium Joint Committee

1.1 General

A Joint Committee established by Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council (“the participating Councils”) to jointly manage the crematorium situate at and known as the Chilterns Crematorium, Whielden Street, Amersham, Bucks (the Crematorium”).

1.2 Membership, Chairmanship and Quorum

Number of Members	Six - two from each of the participating Councils
Substitute Members Permitted	Yes - but must be a member of the same Executive/Cabinet as the Substituted Member
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Executive/Cabinet of the participating Councils
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Executive/Cabinet
Casual Vacancies	To be filled by the Appointing Council’s Executive/Cabinet (or by a member or committee of the Executive/Cabinet as each participating Councils executive arrangements may provide) for the remainder of the term of the member replaced
Restrictions on Membership	Appointees must be a member of the Executive/Cabinet of the participating Councils
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three
Number of Ordinary Meetings per Council Year	Minimum of two
Extraordinary Meetings	The Chairman of the Joint Committee may call an extraordinary meeting at any time

1.3 Terms of Reference

Pursuant to the Crematorium Act 1907 as amended by the Crematorium Act 1952, Section 101(5) and 102(1) of the Local Government Act 1972, Section 20 of the Local Government Act 2000 and Regulations 4 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000, to exercise all the functions duties and powers of the participating Councils in connection with the provision and maintenance of the Crematorium, other than the power to appoint and remunerate staff, levy or issue a precept, borrow money or hold land.

1.4 Delegations

The matters referred to in the Terms of Reference are fully delegated subject to the terms, restrictions and reservations set out in the Constitution of the joint committee.

2. The Chiltern, South Bucks and Wycombe Joint Waste Collection Committee

2.1 General

A joint committee established by Chiltern District Council, South Bucks District Council and Wycombe District Council (“the Councils”) to consider reports from the officers and advise the respective Cabinets of the Councils concerning the management of waste collection, recycling collection and street cleansing services and related services in the Councils’ administrative areas.

2.2 Membership, Chairmanship and Quorum

Number of Members	Six – an executive member from each Council with responsibility for waste management and one further member from each Council
Substitute Members Permitted	Executive Members have the right to appoint deputies by giving notice to that effect to the Secretary to the Joint Committee
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Cabinet/Executive of the participating Councils
Term of Appointment	In respect of a member who is a Cabinet/Executive member, from the date of appointment to the date that they cease to hold office as a Cabinet/Executive member or cease to have portfolio responsibilities for waste related functions. For all other members their term shall begin on the date of appointment and continue for the term notified to the Secretary to the Joint Committee by the appointing participating Council (being not less than twenty four months in duration).
Restrictions on Membership	One appointee from each participating Council must be the Cabinet/Executive member with portfolio responsibility for waste related functions and the second appointee should be a non-Cabinet/Executive member. Non-Cabinet/Executive members should not be a member of an Overview and Scrutiny Committee whose terms of reference include the review and scrutiny of municipal waste management functions.
Restrictions on Chairmanship/Vice-Chairmanship	Appointments shall be for a maximum period of two years. The chairmanship and vice chairmanship shall rotate between the Councils.
Restrictions on Voting	All members of the Joint Committee (or in their absence their duly appointed deputies, provided the deputy is also a Cabinet/Executive member) shall have the right to speak and vote, PROVIDED THAT members of

	Chiltern and Wycombe shall not have a right to vote in respect of the Biffa contract and members of South Bucks shall not have a right to vote in respect of the Serco contract. The Chairman has a casting vote.
Quorum	Three – provided that an executive member from each Council is present
Number of Ordinary Meetings per Council Year	Minimum of three

2.3 Terms of Reference

To exercise the following duties and powers in relation to management and procurement of waste collection, recycling collection and street cleansing services and related services (but only to the extent unanimously delegated to it by the participating Councils in accordance with the terms of the Constitution of the Joint Committee):

- (a) overall responsibility for the management and monitoring of contract/s for waste collection, recycling collection and street cleansing services and related services;
- (b) agreeing any changes to the scope of the management of such contracts;
- (c) making decisions on day to day operational issues, including approval of relevant expenditure;
- (d) recommending the Waste Services Manager's service plan and budget to the Councils
- (e) ensuring that the collective objectives of the Councils in relation to waste services are realised and implemented as agreed between them from time to time; and
- (f) providing a forum for the resolution of any disputes between the Councils in connection with the management of the Serco and Biffa Contracts;
- (g) overseeing the procurement, implementation and management of any replacement contracts in the future;
- (h) exercising any other functions in relation to municipal waste management from time to time delegated to it.

2.4 Delegations

Provided the participating Councils unanimously agree to the exercise by the Joint Committee of any function or activity falling within these Terms of Reference such function or activity is fully delegated.

2.5 Joint Working Principles

- 1) Each Council will co-operate with and give reasonable assistance to each other to provide information and inputs efficiently and economically as is required to successfully develop and operate their municipal waste management functions.
- 2) Each Council will ensure that its Council Representative complies with the principles of the Project in order to achieve the Objectives set out below.
- 3) Each Council will provide to the Joint Waste Collection Committee or any auditor appointed by the Joint Waste Collection Committee any information that is required in respect of any audit or inspection carried out in relation to the Services.
- 4) The Councils will work together to overcome any conflicts between the various other contracts dealing with recycle.
- 5) The Councils are committed to making the strategic planning and development of the Services as transparent as possible to each other and to the public as a whole.
- 6) The Councils recognise the importance of consultation and liaison on issues concerning the Services and commit themselves to the principle of consultation in the widest sense, both with themselves and the community, on any significant issue which will impact upon those receiving waste related services within the Councils' administrative areas.
- 7) In the event of any retendering, each Council agrees to disclose such information relating to the Services as may be reasonably required for the purpose of conducting a due diligence exercise to any proposed new contractor its advisers and lenders.
- 8) The Councils agree that communications and media output will be in line with the Joint Communications Strategy as reviewed and agreed from time to time.

2.6 Objectives

- 9) The District Councils are members of the Waste Partnership for Buckinghamshire which includes Buckinghamshire County Council. The overarching 'vision' of the Partnership is to facilitate the effective planning and delivery of municipal waste management functions and services in Buckinghamshire.
- 10) The Councils will use innovative solutions to:
 - (a) meet or exceed local and national waste recycling targets (specified below)
 - (b) offer the highest standards of customer satisfaction
 - (c) meet or exceed environmental/ sustainability standards
 - (d) keep costs to the local authorities to a minimum
 - (e) deliver appropriate customer contact arrangements to support the services

3. The Chiltern and South Bucks Joint Committee (“JC”)

3.1 General

A Joint Committee established by Chiltern District Council and South Bucks District Council (“the Councils”) under an Inter Authority Agreement dated 19 January 2012 recording arrangements for the Councils to work together to share a joint Chief Executive and joint Senior Management Team (Stage One) and to examine opportunities for further savings by joining together of services, assets, officer posts and officers teams (Stage Two).

3.2 Membership, Chairmanship and Quorum

Number of Members	Six from each Council
Substitute Members Permitted	Yes - but must be a member of the same Cabinet as the Substituted Member
Political Balance Rules Apply?	No
Appointments/Removals from Office	By a resolution of the Cabinet of each participating Council
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Cabinet of the participating Councils
Restrictions on Membership	Appointees must be a member of the Cabinet of the participating Councils
Restrictions on Chairmanship/Vice-Chairmanship	The Cabinet Leader of the Council hosting the meeting will also chair the meeting.
Restrictions on voting	The Chairman shall not have a casting vote
Quorum	At least three members from each Council
Number of Ordinary Meetings per Council Year	Minimum of five unless otherwise unanimously agreed
Venue for meetings	Venue to alternate between the participating Councils’ offices
Task and Finish Groups	The JC may create Task and Finish Groups from time to time of Members of each participating Council (Member Working Groups) to advise the Joint Committee on specific issues. The JC shall determine the membership of each such Group and the terms on which it carries out its responsibilities.

3.3 Terms of Reference

Pursuant to Section 9EB of the Local Government Act 2000 and the Local Government (Arrangement for the Discharge of Functions) (England) Regulations 2012 to exercise the

following duties and powers to drive forward and oversee the Joint Arrangements between the participating Councils under the Inter Authority Agreement:-

- a) Oversee the development and subsequent delivery of a business case for the creation of a single senior management team (Chief Executive, Directors and Heads of Service) to serve the districts of Chiltern and South Bucks and present conclusions and recommendations to the Councils both initially and on an ongoing basis;
- b) Understand the benefits gained and lessons learned from other similar successful and also failed attempts to integrate District Councils and present the findings to the Councils;
- c) Recommend a mechanism/formula for the allocation of associated costs and efficiencies across the two organisations;
- d) Detail the risks, dependencies and resource and policy implications to the Councils of taking this step and recommend any mitigating actions;
- e) Propose a communications plan to inform elected members, staff and managers in the Councils, the media and (where and when appropriate) to residents in the relevant Districts;
- f) Subsequently, consider the next stages of delivering efficiencies through service integration, make any necessary recommendations on the future governance of that process and if requested identify suitable services and a timetable for integration and report accordingly;
- g) To review frequently (and at least on an annual basis as required by the Inter Authority Agreement) the operation of the Inter Authority Agreement between the Councils and the overall delivery of the Joint Arrangements by the Councils;
- h) To consider Business Cases setting out the detail of a Joint Service Proposal;
- i) To make Joint Decisions on behalf of each Council following careful consideration of the relevant Business Case. Joint Decisions include:-
 - Apportionment of the costs of the Joint Arrangements (using the methodology set out in the Inter Authority Agreement)
 - Arrangements for the overall structure and resourcing of the Joint Arrangements
 - Agreement on the annual budget for the Joint Arrangements
 - Consideration and resolution of any matters disputed between the Councils
 - Approval of any external advisors before appointment by a Council
- j) To make recommendations to each Council in respect of Joint Decisions and on the overall way forward for the Joint Arrangements;

- k) To establish and monitor appropriate performance indicators for Joint Arrangements including financial and service delivery indicators;
- l) To consider and address any concerns about the Inter Authority Agreement or about the Joint Arrangements in general raised by each Council;
- m) To ensure that members of each Council are regularly updated on the operation and progress of the Joint Arrangements.

3.4 Delegations

All matters necessary to enable the JC to carry out its functions and remit save for any 'Reserved Decisions' as defined in the Inter-Authority Agreement

Section G Composition, Terms Of References And Delegations To Standing Committees and Sub-Committees Of The Council

1 LICENSING COMMITTEE

1.1 General

A regulatory Committee of the Council established to be responsible for licensing and registration matters and external Health & Safety at Work.

1.2 Membership, Chairmanship and Quorum

Number of Members	Fifteen
Substitute Members Permitted	Yes
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Cabinet Leader may not be a member The undertaking of training on licensing functions and procedures is a pre requisite to membership of this Committee
Restrictions on Chairmanship/Vice-Chairmanship	Cabinet Members may not hold these offices
Quorum	Five
Number of ordinary meetings per Council Year	At least two per year
Standing Sub-Committee	Licensing Sub-Committee

1.3 Terms of Reference

1.3.1 To exercise the Council's responsibilities relating to licensing, registration and other miscellaneous functions as specified in Schedule 1 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 ("the 2000 Regulations") as amended from time to time, insofar as such functions are not the responsibility of any other local authority as shown in the left hand column of the Table below in respect of the enactments identified in the right hand column :-

Function	Enabling Provision
Licensing and Registration	
1. Power to issue licences authorising the use of land as a caravan site ("site licences").	Section 3(3) of the Caravan Sites and Control of Development Act 1960.
2. Power to license the use of moveable dwellings and camping sites.	Section 269(1) of the Public Health Act 1936.

<p>3. Power to license hackney carriages and private hire vehicles.</p>	<p>(a) as to hackney carriages, the Town Police Clauses Act 1847, as extended by section 171 of the Public Health Act 1875, and section 15 of the Transport Act 1985; and sections 47, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976;</p> <p>(b) as to private hire vehicles, sections 48, 57, 58, 60 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>4. Power to license drivers of hackney carriages and private hire vehicles.</p>	<p>Sections 51, 53, 54, 59, 61 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>5. Power to license operators of hackney carriages and private hire vehicles.</p>	<p>Sections 55 to 58, 62 and 79 of the Local Government (Miscellaneous Provisions) Act 1976.</p>
<p>5a Power to register pool promoters.</p>	<p>Schedule 2 to the Betting, Gaming and Lotteries Act 1963 (c.2) as saved for certain purposes by the Gambling Act Order.</p> <p>Note: The Gambling Act Order means the Gambling Act 2005 (Commencement No. 6 and Transitional Provisions) Order 2006.</p>
<p>5b Power to grant track betting licences.</p>	<p>Schedule 3 to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.</p>
<p>5c Power to license inter-track betting schemes.</p>	<p>Schedules 5ZA to the Betting, Gaming and Lotteries Act 1963 as saved for certain purposes by the Gambling Act Order.</p>
<p>5d Power to grant permits in respect of premises with amusement machines.</p>	<p>Schedule 9 to the Gaming Act 1968 (c.65), as saved for certain purposes by the Gambling Act Order.</p>
<p>5e Power to register societies wishing to promote lotteries.</p>	<p>Schedule 1 to the Lotteries and Amusements Act 1976 (c.32), as saved for certain purposes by the Gambling Act Order.</p>
<p>5f Power to grant permits in respect of</p>	<p>Schedule 3 to the Lotteries and Amusements</p>

premises where amusements with prizes are provided.	Act 1976, as saved for certain purposes by the Gambling Act Order.
5g Power to issue cinema and cinema club licences.	Section 1 of the Cinema Act 1985 (c.13).
5h Power to issue theatre licences.	Sections 12 to 14 of the Theatres Act 1968 (c.54).
5i Power to issue entertainments licenses	Section 12 of the Children and Young Persons Act 1933 (c.12), section 52 of and Schedule 12 to, the London Government Act: 1963 (c.33). Section 79 of the Licensing Act 1964 (c.26). Sections 1 to 5 and 7 of and Parts 1 and II of the Schedule to the Private Places of Entertainment (Licensing) Act 1967 (c.19) and Part I of, and Schedules 1 and 2 to, the Local Government (Miscellaneous Provisions) Act 1982 (c.30).
6. Power to license sex shops and sex cinemas.	The Local Government (Miscellaneous Provisions) Act 1982, section 2 and Schedule 3 (as amended by Paragraph 85 of Schedule 6 Licensing Act 2003).
7. Power to license performances of hypnotism.	The Hypnotism Act 1952.
8. Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis.	Sections 13 to 17 of the Local Government (Miscellaneous Provisions) Act 1982.
9. Power to license pleasure boats and pleasure vessels.	Section 94 of the Public Health Acts Amendment Act 1907.
10. Power to license market and street trading.	Part III of and Schedule 4 to, the Local Government (Miscellaneous Provisions) Act 1982.
11. Duty to keep list of persons entitled to sell non-medicinal poisons.	Sections 3(1) (b) (ii), 5, 6 and 11 of the Poisons Act 1972.
12. Power to license dealers in game and the killing and selling of game.	Sections 5, 6, 17, 18 and 21 to 23 of the Game Act 1831; sections 2 to 16 of the Game Licensing Act 1860 , section 4 of the Customs and Inland Revenue Act 1883, sections 12(3) and 27 of the Local Government Act 1874 , and section 213 of The Local Government Act 1972.

13. Power to register and license premises for the preparation of food.	Section 19 of the Food Safety Act 1990.
14. Power to license scrap yards.	Section 1 of the Scrap Metal Dealers Act 1964.
15. Power to regulate Motor Salvage Operators	Vehicle (Crime) Act 2001 and Motor Salvage Operators Regulations 2002
16. Power to issue, amend or replace safety certificates (whether general or special) for sports grounds.	The Safety of Sports Grounds Act 1975.
16a Power to issue safety certificates.	The Regulatory Reform (Fire Safety) Order 2005.
17. Power to issue, cancel, amend or replace safety certificates for regulated stands at sports grounds.	Part III of the Fire Safety and Safety of Places of Sport Act 1987.
18. Power to license premises for the breeding of dogs.	Section 1 of the Breeding of Dogs Act 1973 and section 1 of the Breeding and Sale of Dogs (Welfare) Act 1999.
19. Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.	Section 1 of the Pet Animals Act 1951; section 1 of the Animal Boarding Establishments Act 1963; the Riding Establishments Acts 1964 and 1970; Section 1 of the Breeding of Dogs Act 1973, and sections 1 and 8 of the Breeding and Sale of Dogs (Welfare) Act 1999.
20. Power to register animal trainers and exhibitors.	Section 1 of the Performing Animals (Regulation) Act 1925.
21. Power to license zoos.	Section 1 of the Zoo Licensing Act 1981.
22. Power to license dangerous wild animals.	Section 1 of the Dangerous Wild Animals Act 1976.
23. Power to license knackers' yards.	Section 4 of the Slaughterhouses Act 1974. See also the Animal By-Products Order 1999 (S.I. 1999/646).

24. Power to license persons to collect for charitable and other causes.	Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 and Section 2 of the House to House Collections Act 1939.
25. Power to grant consent for the operation of a loudspeaker.	Schedule 2 to the Noise and Statutory Nuisance Act 1993.
26. Power to license agencies for the supply of nurses.	Section 2 of the Nurses Agencies Act 1957.
27. Power to approve meat product premises.	Regulations 4 and 5 of the Meat Products (Hygiene) Regulations 1994 (S.I. 1994/3082).
28. Power to approve premises for the production of minced meat or meat preparations.	Regulation 4 of the Minced Meat and Meat Preparations (Hygiene) Regulations 1995 (S.I. 1995/3205).
29. Power to approve dairy establishments.	Regulations 6 and 7 of the Dairy Products (Hygiene) Regulations 1995 (S.I. 1995/1086).
30. Power to approve egg product establishments.	Regulation 5 of the Egg Products Regulations 1993 (S.I. 1993/1520).
31. Power to issue licences to retail butchers' shops carrying out commercial operations in relation to unwrapped raw meat and selling or supplying both raw meat and ready-to-eat foods.	Schedule 1A to the Food Safety (General Food Hygiene) Regulations 1995 (S.I. 1995/1763).
32. Power to approve fish products premises.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998 (S.I. 1998/994).
33. Power to approve dispatch or purification centres.	Regulation 11 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
34. Power to register fishing vessels on board which shrimps or molluscs are cooked.	Regulation 21 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
35. Power to approve factory vessels and fishery product establishments.	Regulation 24 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.

36. Power to register auction and wholesale markets.	Regulation 26 of the Food Safety (Fishery Products and Live Shellfish) (Hygiene) Regulations 1998.
37. Duty to keep register of food business premises.	Regulation 5 of the Food Premises (Registration) Regulations 1991 (S.I. 1991/2828).
38. Power to register food business premises.	Regulation 9 of the Food Premises (Registration) Regulations 1991.
39. Power to make closing orders with respect to take-away food premises	Section 4 of the Local Government (Miscellaneous Provisions) Act 1982
40. Power to permit deposit of builder's skip on highway.	Section 139 of the Highways Act 1980.
41. Power to make orders restricting the consumption of alcohol in a public place	Section 13 Criminal Justice & Police Act 2001
S.I. 2004 No. 2740 Functions relating to Licensing - including but not limited to:-	Sections 5 to 8 of the Licensing Act 2003.
42. Power to grant, vary, transfer or review a premises licence or club premises licence for the supply of alcohol regulated entertainment and late night refreshment	Sections 18, 35, 39, 44, 52, 72, 85, 88 and Schedule 1 and 2 Licensing Act 2003 NB:- additional powers added Oct.2009 re Sections 25A, 41D and 86A.
43. Power to issue a provisional statement	Section 31 of the Licensing Act 2003
44. Power to cancel an interim authority notice	Section 49 of the Licensing Act 2003
45. Powers to inspect premises before grant of licence	Sections 59 and 96 of the Licensing Act 2003
46. Power to grant or renew a personal licence	Section 117 of the Licensing Act 2003
47. Right of entry where temporary event notice is given	Section 108 of the Licensing Act 2003
48. Rights of entry to investigate licensable activities	Section 179 of the Licensing Act 2003

49. Power to close noisy premises	Section 40 Anti Social Behaviour Act 2003
50. Issue of fixed penalty notice for graffiti or fly-posting	Section 43 Anti Social Behaviour Act 2003
51. Service of graffiti removal notice	Section 48 Anti Social Behavior Act 2003
52. Power to grant, vary, transfer or review a premises licence for the operation of a casino or for the provision of facilities to play bingo or for use as an adult gaming centre or family entertainment centre or for the provision of facilities for betting.	Sections 163, 164, 187, 188 199 and 202, 203 and 205 of the Gambling Act 2005
53. Power to issue a provisional statement	Section 204 of the Gambling Act 2005
54. Hearing of an objection to a temporary use notice	Section 222 of the Gambling Act 2005
55. Power to issue a counter notice to a temporary use notice	Section 224 of the Gambling Act 2005
56. Power to issue, vary, renew or cancel a club gaming permit	Section 271, 274 and Schedule 12 of the Gambling Act 2005
57. Power to issue, vary, renew or cancel a club machine permit	Section 273, 274 and Schedule 12 of the Gambling Act 2005
58. Power to issue, transfer, vary or cancel a licensed premises gaming machine permit	Section 283 and Schedule 13 of the Gambling Act 2005
59. Power to make an order disapplying Sections 279 and 282(1) of the Gambling Act 2005 to certain premises. (Section 279 exempts premises licensed for the sale of alcohol from requiring a Gambling Act Operating or Premises licence for prescribed low stake/prize value equal chance gaming and Section 282(1) provides premises licensed for the supply of alcohol with an automatic entitlement to one or two Category C or D gaming machines)	Section 284 of the Gambling Act 2005
60. Power to issue or renew a prize gaming	Section 289 and Schedule 14 of the Gambling

permit	Act 2005
61. Power to issue or renew a family entertainment centre gaming machine permit	Section 247 and Paragraphs 8 and 18 of Schedule 10 of the Gambling Act 2005
62. Power to enter premises (various)	Sections 304(2) and (3), 307, 309, 310, 311, 312(4), 313, 314, 315 of the Gambling Act 2005
63. Registration of small society lotteries	Section 258 and Part 4 Paragraphs 38 and Part 5 Paragraph 44 of Schedule 11 of the Gambling Act 2005
64. Refusal to register a small society lottery	Section 258 and Part 5 Paragraph 47 of Schedule 11 of the Gambling Act 2005
65. Revocation of registration of a small society lottery	Section 258 and Part 5 Paragraph 50 of Schedule 11 of the Gambling Act 2005
<u>S.I. 2006 No. 886</u>	.
66. Power to resolve not to issue a casino premises licence.	Section 166 of the Gambling Act 2005.
67. Duty to comply with requirement to provide information to the Gambling Commission.	Section 29 of the Gambling Act 2005.
68. Functions relating to exchange of information.	Section 30 of the Gambling Act 2005.
69. Functions relating to occasional use notices.	Section 39 of the Gambling Act 2005.
<u>S.I. 2007 No. 1284</u>	
70. Power to designate officer of a Licensing authority as an authorised person for a purpose relating to premises.	Section 304 of the Gambling Act 2005.
71. Power to institute criminal proceedings.	Section 346 of the Gambling Act 2005.
72. Power to exchange information.	Section 350 of the Gambling Act 2005.

<p>73. Functions relating to the determination of fees for premises licences.</p> <p>Functions relating to health and safety at work</p> <p>Functions under any of the "relevant statutory provisions" within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer</p>	<p>The Gambling (Premises Licences Fees) (England and Wales) Regulations 2007. S.I. 2007/479.</p> <p>Part I of the Health and Safety at Work etc. Act 1974.</p>
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1.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.
- 4) Where permissible by law, the decision to impose a charge and the amount of any such charge.
- 5) Following consultation with the relevant Cabinet Portfolio Holder to determine the fees and charges in respect of hackney carriages and private hire vehicles including consideration of any representations thereon or objections thereto.

1.3.3 To exercise the Council's responsibilities for the functions relating to licensing and registration and specifically the power to make orders restricting the consumption of alcohol in a public place and to make closing orders with respect to take-away food premises as specified in part I (Miscellaneous Functions) Schedule 1 of the 2000 Regulations.

1.3.4 To exercise the functions under the Gambling Act 2005 not covered by the 2000 Regulations including those functions under Part 8 of the Gambling Act 2005 except the adoption of the Section 349 Gambling Act 2005 Policy Statement and the passing of a resolution not to issue a casino premises licence (such adoption and resolution to be made by Full Council - S154 of the Gambling Act 2005)

- 1.3.5 To establish a standing Sub Committee to be known as the Licensing Sub-Committee to consider and determine any applications or matter that by law or in accordance with the Council's adopted policy or this Constitution requires a hearing to be conducted

1.4 Delegations

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to a named Officer or full Council by law or the terms of this Constitution.

1.5 Notes

- 1.5.1 Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

2. LICENSING SUB-COMMITTEE

2.1 General

A Sub-Committee of the Licensing Committee established to conduct hearings and make determinations in respect of the Council's licensing functions

2.2 Membership, Chairmanship and Quorum

Number of Members	Three Members
Substitute Members Permitted	Yes
Political Balance Rules apply	No
Appointments	By the Democratic and Electoral Services Manager subject to members availability
Restrictions on Membership	Only Members of the Licensing Committee are eligible
Restrictions on Chairmanship	None
Quorum	Three
Number of meetings per Council Year	Hearings/ meetings will be called as required

2.3 Terms of Reference

To conduct hearings and make determinations under or in respect of the following legislation and functions as required by law or in circumstances where the Head of Healthy Communities is unable or unwilling to make a decision under the terms of the Scheme of Delegations to Officers:-

- Licensing Act 2003;
- Gambling Act 2005;
- licensing of Hackney Carriage and Private Hire Drivers, Vehicles, Operators and related enforcement ;
- classification of films;
- licensing of sex establishments;
- in relation to the licensing of Street Trading; and
- such other matters as the Sub-Committee may be required by law or in connection with the discharge of any of the matters referred to in these Terms of Reference

2.4 Delegations

Decisions on all matters falling within these Terms of Reference.

2.5 Notes

2.5.1 The Democratic & Electoral Services Manager is authorised to constitute the Licensing Sub-Committee from the membership of the Licensing- Committee having regard to member availability, together with a standby in case a

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member of the Sub-Committee is unable to participate or continue for any reason.

2.5.2. Members are appointed for a single meeting/hearing only.

Classification: OFFICIAL

3. PLANNING COMMITTEE

3.1 General

A regulatory Committee of the Council established to be responsible for Development Control and related Town and Country Planning matters.

3.2 Membership, Chairmanship and Quorum

Number of Members	Thirteen
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman of the Council may not be a member. Note: The taking up of appointments to the Planning Committee (being able to attend and vote) is subject to the Member having attended the required training on planning matters and the Members Code of Conduct.
Restrictions on Chairmanship/Vice-Chairmanship	Cabinet Members may not hold these offices
Quorum	Five
Number of ordinary meetings per Council Year	Sixteen
Standing Sub-Committees	None

3.3 Terms of Reference

3.3.1 To exercise the Council's responsibilities for the functions identified in the left hand column of the Table below in respect of the enactments identified in the right hand column :-

Function	Enactment
<p>Functions relating to Town and Country Planning and Development Control</p> <p>1. Power to determine applications for planning permission.</p> <p>2. Power to determine applications to develop land without compliance with conditions previously attached.</p>	<p>Sections 70(1) (a) and (b) and 72 of the Town and Country Planning Act 1990 (c.8).</p> <p>Section 73 of the Town and Country Planning Act 1990.</p>

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3. Power to grant planning permission for development already carried out.	Section 73A of the Town and Country Planning Act 1990.
4. Power to decline to determine applications for planning permission.	Section 70A of the Town and Country Planning Act 1990.
5. Duties relating to the making of determinations of planning applications.	Sections 69, 76 and 92 of the Town and Country Planning Act 1990 and Articles 8, 10 to 13, 15 to 22 and 25 and 26 of the Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) and directions made thereunder.
6. Power to determine applications for planning permission made by the Council, alone or jointly with another person.	Section 316 of the Town and Country Planning Act 1990 and the Town and Country Planning General Regulations 1992 (S.I. 1992/1492).
7. 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 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418).
8. Power to enter into agreements regulating development or use of land.	Section 106 of the Town and Country Planning Act 1990.
9. Power to issue a certificate of existing or proposed lawful use or development.	Sections 191(4) and 192(2) of the Town and Country Planning Act 1990.
10. Power to serve a completion notice.	Section 94(2) of the Town and Country Planning Act 1990.
11. Power to grant consent for the display of advertisements.	Section 220 of the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) Regulations 1992.
12. Power to authorise entry onto land.	Section 196A of the Town and Country Planning Act 1990.
13. Power to require the discontinuance	Section 102 of the Town and Country

of a use of land.	Planning Act 1990.
14. Power to serve a planning contravention notice, breach of condition notice, stop notice or temporary stop notice.	Sections 171C, 187A and 183(1) and 171E of the Town and Country Planning Act 1990.
15. Power to issue an enforcement notice.	Section 172 of the Town and Country Planning Act 1990.
16. Power to apply for an injunction restraining a breach of planning control.	Section 187B of the Town and Country Planning Act 1990.
17. Power to determine applications for hazardous substances consent, and related powers.	Sections 9(1) and 10 of the Planning (Hazardous Substances) Act 1990.
18. Power to require proper maintenance of land.	Section 215(1) of the Town and Country Planning Act 1990.
19. Power to determine application for listed building consent, and related powers.	Sections 16(1) and (2), 17, and 33(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
20. Power to determine applications for conservation area consent.	Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as applied by section 74(3) of that Act.
21. Duties relating to applications for listed building consent and conservation area consent.	Sections 13(1) and 14(1) and (4) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and regulations 3 to 6 and 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 and paragraphs 8, 15 and 22 of Department of the Environment Transport and the Regions Circular 01/01.
22. Power to serve a building preservation notice, and related powers.	Sections 3(1) and 4(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
23. Power to issue enforcement notice	Section 38 of the Planning (Listed

in relation to demolition of unlisted building in conservation area.	Buildings and Conservation Areas) Act 1990.
24. Powers to acquire a listed building in need of repair and to serve a repairs notice.	Sections 47 and 48 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
25. Power to apply for an injunction in relation to a listed building.	Section 44A of the Planning (Listed Buildings and Conservation Areas) Act 1990.
26. Power to execute urgent works.	Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
27. Powers relating to the preservation of trees.	Sections 197 to 214D of the Town and Country Planning Act 1990 and the Trees Regulations 1999 (S.I. 1999/1892).
28. Powers relating to the protection of important hedgerows.	The Hedgerows Regulations 1997 (S.I. 1997/1160).
29. Power to issue a remedial notice in relation to a hedge adversely affecting the reasonable enjoyment of domestic property	Section 69 of the Anti Social Behaviour Act 2003
29a <u>SI 2005 No. 714</u>	
Power relating to complaints about high hedges.	Part 8 of Anti-Social Behaviour Act 2003.
30. Power to enter neighbouring land	Section 74 of the Anti Social Behaviour Act 2003
31. Power to carry out works in default of compliance with a remedial notice.	Section 77 of the Anti Social Behaviour Act 2003
32. Power to enter land.	Section 324 of the Town and Country Planning Act 1990.
33 The obtaining of information as to interests in land.	Section 330 of the Town and Country Planning Act 1990.
Miscellaneous functions As amended S.I. 2001, No. 2212 and	

S.I. 2004: No. 2748	
1 Power to stop up footpaths and bridleways or highways.	Section 118 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990.
2 Power to make a rail crossing extinguishment Order	Section 118A of the Highways Act 1980
3 Power to divert footpaths and bridleways.	Section 119 of the Highways Act 1980
4 Power to make a rail crossing diversion Order	Section 119A of the Highways Act 1980
5 Power to require applicant for Order to enter into an agreement,	Section 119C(3) Highways Act 1980
6 Power to extinguish public right of way over land acquired for clearance	Section 294 Housing Act 1981
7 Power to authorise stopping up or diversion of footpath or bridleway	Section 257 of the Town & Country Planning Act 1990
8 Power to extinguish public rights of way over land held for planning purposes	Section 258 of the Town & Country Planning Act 1990
8a. Power to extinguish certain public rights of way	Section 32 of the Acquisition of Land Act 1981.

3.3.2 For the avoidance of doubt, in relation to the grant or issue by the Committee of any approval consent, licence, permission or registration, the exercise of the responsibilities for the above functions includes responsibility for :-

- 1) the imposition or amendment, modification or variation of any term, condition, limitation or restriction; or
- 2) the decision to take enforcement or other action in respect of a breach of any term, condition, limitation or restriction ;or
- 3) the decision to revoke, vary or modify any approval, consent, licence, permission or registration.

3.4 Delegations

All the functions identified in the above Table are delegated to the Committee other than the making or confirmation of by-laws, the promotion of a local act or any other matter reserved to full Council by law or this Constitution.

3.5 Notes

- 3.5.1 The functions identified in the above table are intended to be comprehensive. Any other function relating to Town and Country Planning – save for the preparation and adoption of the Development Plan which must be referred via Cabinet – will be the responsibility of the Planning Committee.
- 3.5.2. Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.
- 3.5.4. In addition to complying with the adopted Code of Conduct for Elected and Co-opted Members, Members of the Planning Committee are also expected to comply with the Code of Conduct on Planning Matters set out at Section B of Part 5 of this Constitution.
- 3.5.5. Parish/Town Council Representations and public speaking is permitted at the Planning Committee in accordance with the Procedure for Speaking at Planning Committee in Part 5 of the Constitution – and non-members of the Committee who are District Councillors are also subject to provisions in this Procedure.

4. APPEALS AND COMPLAINTS COMMITTEE

4.1 General

A Committee of the Council established to determine appeals by employees against decisions of the Council as employer.

4.2 Membership, Chairmanship and Quorum

Number of Members	Eleven
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Although all members of the Council are eligible for appointment, any who are also members of the Joint Staffing Committee or Joint Staffing Sub-Committee will be ineligible to hear appeals that result from the decisions of that Committee
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub-Committees	None

4.3 Terms of Reference

Appeals

4.3.1. For all employees to hear and determine appeals and grievances on the following matters:

- a) Dismissal on the grounds of misconduct, capability, ill-health and unfair selection for redundancy
- b) Grievances submitted under agreed procedures
- c) Disciplinary action as defined in conditions of employment

Note: The Committee can only consider appeals relating to grievances from current employees

4.3.2. To determine requests for a review of the Council's decision that an applicant become homeless intentionally or whether a person is ineligible for

acceptance on the Housing Register

- 4.3.3 To determine any other appeal against a decision made by or on behalf of the Council where provision is made for a right of appeal

Complaints

- 4.3.4 To consider any complaint made against the Council which has been referred to the Local Ombudsman and which requires a determination by Members.

- 4.3.5 To make compensation payments or provide other benefits in cases of maladministration up to the value of £5,000.

4.4 Delegations

Decisions on all matters falling within the terms of reference.

NOTE: The Head of Legal and Democratic Services, after consultation with the Chairman of the committee will constitute panels from the membership of the Appeals and Complaints Committee to hear appeal/complaints

5. PERSONNEL COMMITTEE

5.1 General

A Committee of the Council established to consider staffing matters (other than appeals).

5.2 Membership, Chairmanship and Quorum

Number of Members	Nine including the Cabinet Leader and two other Members of the Cabinet. (Constitution Review 25.3.09, Council 31.3.09).
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	None
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Three
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub-Committees	No

5.3 Terms of Reference

5.3.1. To be responsible for the overall management of the Council's Human Resources within the financial resources approved by the Council so as to enable the economic, efficient and effective provision of services. (Constitution Review 25.3.09 and Council 31.3.09/27.10.09).

5.3.2. To ensure that appropriate policies and procedures are in place to support the objectives set out in paragraph 6.3.1 above and to make recommendations to full Council thereon.

5.3.3. To consider the minutes, reports and recommendations of the Chiltern District Council and Staff Joint Committee and to make recommendations to full Council thereon.

5.3.4. Subject to the Council's Employment Procedure Rules, to appoint and, where necessary, terminate the employment of Directors and Heads of Service.

5.3.5. To consider individual application by employees for early payment of pension benefits, other than those on medical grounds

5.4 Delegations

All matters falling within paragraphs 6.3.4 and 6.3.5 of the Terms of Reference

5.5. Notes

- 5.5.1. An appeal by an employee against a delegated decision of this Committee lies to the Appeals Committee.
- 5.5.2. Members involved in making a decision that results in an appeal to the Appeals Committee will be ineligible to sit on the Appeal Committee that hears the appeal.
- 5.5.3. The formulation and review of the Council's Whistle Blowing Policy falls within the terms of reference of the Standards Committee
- 5.5.4. Any delegations to Officers are contained in the Scheme of Delegations to Officers set out in Section B of Part 7 of this Constitution.

6. GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

6.1 General

A Committee of the Council established to monitor and review the operation of the Council's Constitution and political management arrangements, deal with election and electoral matters and the review of parishes, deal with urgent matters requiring a decision of the Council and any matter which is not within the responsibility of the Cabinet and which falls outside the terms of reference of any other Committee or officer delegation.

6.2 Membership, Chairmanship and Quorum

Number of Members	Eleven
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	None
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Four
Number of ordinary meetings per Council Year	Meetings will be called as required
Standing Sub-Committees	None

6.3 Matters Delegated for Decision

- 6.3.1. To monitor and keep under review the operation of the Council's constitution and political management arrangements
- 6.3.2. To deal with election and electoral matters
- 6.3.3. To exercise functions in relation to parishes, parish meetings and parish councils including changing the name of a parish
- 6.3.4. To take any necessary action to enable recommendations to be made in respect of the matters listed at 4.1 below which are reserved to the Council
- 6.3.5. To make, amend or revoke byelaws
- 6.3.6. To deal where legally permissible, with any matter including the authorisation of legal proceedings which requires a decision of the Council and which

cannot reasonably be dealt with in the normal cycle of meetings (see also note below)

6.3.7 To deal with any matter which, by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations from time to time in force or any other statutory provisions, cannot be the responsibility of the Cabinet and does not fall within the terms of reference of any other committee or within the Scheme of Officer delegations.

6.4 Matters Reserved to Full Council

6.4.1 Approval of:-

- a) Proposal to change the District's warding arrangements
- b) Final recommendations form a Parish Review
- c) Proposals to change the name or boundaries of the District
- d) The promotion of, or opposition of, national, local or private bills
- e) Changes to the Constitution

NOTE:

The Chief Executive or his nominee or the Head of Legal and Democratic Services, after consultation with the Chairman of the Committee must certify the reasons for urgency in respect of each item determined under paragraph 3.6 above. Reports to the Committee must also specify the reason for the urgency

7. RESOURCES OVERVIEW COMMITTEE

7.1 General

A statutory Committee of the Council established to scrutinise and conduct Value for Money Reviews in relation to the services and functions falling within the Leader, Support Services and Customer Services Cabinet Portfolios and related functions.

7.2 Membership, Chairmanship and Quorum

Number of Members	Fifteen
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Five
Number of ordinary meetings per Council Year	Four
Standing Sub-Committees	None.

7.3 Terms of Reference

7.3.1 Areas of Responsibility

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Leader, Support Services and Customer Services Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Leader, Support Services and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of the services and functions falling within those portfolios
- 3) The external Partnerships falling within the Leader, Support Services and Customer Services Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge of any of the services and functions falling within those Portfolios

7.3.2 Committee Tasks

The power to perform the following Tasks within the Areas of Responsibility of the

Committee.

General Role

- 1) To develop and monitor its own work programme(s).
- 2) To review the Forward Plan of the Cabinet.
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet.
- 4) With the consent of the Cabinet Leader, Support Services or Customers Services Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet.
- 5) Consider any matter affecting the District or its residents.

Scrutiny

- 6) To review and scrutinise the performance of the Cabinet Leader and the Portfolio Holders for Support Services and Customers Services in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Chief Executive/ Director and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.
- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.
- 12) To receive and review the annual FOIA report (Annual Report also to Cabinet).

Value for Money

- 13) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme
- 14) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review
- 15) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto.

Policy Development and Review

- 16) If requested to do so by full Council or the Cabinet:-
 - (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
 - (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
 - (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

Finance

- 17) To exercise overall responsibility for the finances made available to it.

7.4 Delegations

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 9.3.1 and 9.3.2 of the Terms of Reference.

7.5 Notes

- 7.5.1 The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.

8. AUDIT AND STANDARDS COMMITTEE

8.1. General

A Committee established to provides independent assurance of the adequacy of the internal controls and assurance mechanisms of the Council, to approve its financial accounts, promote and maintain high standards of conduct within Council members and co-opted members and consider breaches of the Council's Code of Conduct or the Codes of Conduct of parish councils within the district

8.2. Membership, Chairmanship and Quorum

Number of Members	Eleven
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council.
Restrictions on Membership	Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible
Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Four
Number of ordinary meetings per Council Year	Minimum of Two

8.3 Terms of Reference

To deal with the following matters:-

- a) To consider the effectiveness of the authority's risk management arrangements, the control environment and associated anti-fraud and anti-corruption arrangements.
- b) To seek assurances that action is being taken on risk-related issues identified by auditors and inspectors.
- c) To review and approve the authority's assurance statements, including the Statement on Internal Control, on behalf of the authority.
- d) To approve, but not direct, internal audit's strategy, plan and monitor performance

- e) To review the main issues arising from the internal audit reports and seek assurance that action has been taken where necessary.
- f) To receive the annual report of the internal audit service.
- g) To consider the reports of external audit and inspection agencies, and monitor management action in response to issues raised.
- h) To ensure that there are effective relationships between external and internal audit, inspection agencies, other relevant bodies, and that the value of the audit process is actively promoted.
- i) To review and approve the financial statement on behalf of the authority and review the external auditors opinion on the financial statements.
- j) To review on a regular basis the Code of Conduct for Members and also for Officers and to monitor the effect of implementation of the Codes of Conduct
- k) To develop a complaints procedure re non-adherence with the District, or any parish within the District, Code of Conduct.
- l) To receive complaints and thereafter consider, review, investigate, conduct hearings and impose sanctions as may be required.
- m) To promote on an active basis the highest standards of ethical conduct by Councillors and Officers.
- n) To ensure training and guidance is provided to Councillors, including assisting Parishes to train their own Councillors, on all aspects of Codes of Conduct and adherence to ethical standards for Councillors.
- o) To establish a Hearings Sub-Committee – terms of reference, membership, quorum and frequency of meetings as set out in the Council's adopted Complaints procedure

8.4 Delegations

All these Terms of Reference are full delegated except any recommendations arising out of Items j) and k) shall be reported full Council as appropriate.

9. SERVICES OVERVIEW COMMITTEE

9.1 General

A statutory Committee of the Council established to scrutinise and conduct Reviews in relation to the services and functions falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet portfolios

9.2 Membership, Chairmanship and Quorum

Number of Members	Fifteen
Substitute Members Permitted	No
Political Balance Rules apply	Yes
Appointments/Removals from Office	By resolution of full Council
Restrictions on Membership	Chairman and Vice-Chairman of the Council and Members of the Cabinet are ineligible
Restrictions on Chairmanship/Vice-Chairmanship	No
Quorum	Five
Number of ordinary meetings per Council Year	Four
Standing Sub-Committees	No

9.3 Terms of Reference

9.3.1 Areas of Responsibility

The Areas of Responsibility of the Committee are: -

- 1) The functions and service falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios as described in Section C of Part 3 of this Constitution
- 2) The functions of the Council shared with the Housing and Health, Sustainable Development, Community and Waste and Customer Services Cabinet Portfolios or which directly or indirectly affect the discharge of any of the services and functions falling within those portfolios.
- 3) The external Partnerships falling within the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Cabinet Portfolios and any other external body or stakeholder whose activities directly or indirectly affect the discharge of the services and functions falling within those portfolios

- 4) To exercise the functions of the Council's Crime and Disorder Scrutiny Committee as required by the Police and Justice Act 2006 (as amended) and to receive and investigate any local crime and disorder matter as defined by the Police and Justice Act 2006 which is raised by a member of the Council who is not a member of the Overview Committee.

9.3.2. Committee Tasks

The power to perform the following Tasks within the Areas of Responsibility of the Committee:-

General Role

- 1) To develop and monitor its own work programme(s);
- 2) To review the Forward Plan of the Cabinet;
- 3) To make reports and/or recommendations to the full Council and/or the Cabinet;
- 4) With the consent of the Housing, Health, Communities and Leisure, Sustainable Development and Waste and Property Portfolio Holders (as the case may be), consider reports relating to Key Decisions prior to consideration by the Cabinet; and
- 5) Consider any matter affecting the District or its residents;

Scrutiny

- 6) To review and scrutinise the performance of the Portfolio holders for Housing, Health, Communities and Leisure, Sustainable Development, y and Waste and Property in relation to (i) policy and budgetary development and implementation, (ii) the discharge of Executive functions including relevant national or local performance indicators, measures or targets, and (iii) decision making generally.
- 7) To review and scrutinise the performance of the Council in relation to its policy objectives, national or local performance indicators, measures or targets and/or particular service areas.
- 8) To question members of the Cabinet and/or Directors and Heads of Service about any matter that this Overview Committee is empowered to scrutinise by the Clauses above.
- 9) To invite members of the public and/or representatives of community and partner organisations, or experts, to attend and give evidence to the Committee in connection with any matter arising out of, or in connection with, or resulting

from, the scrutiny process.

- 10) To review the performance of other public bodies in the area.
- 11) Subject to their consent first being obtained, to question and gather evidence from any person in connection with any matter arising out of, or in connection with, or resulting from, the scrutiny process.

Value for Money

- 12) To undertake value for money reviews of services or key partnerships – this may be at the request of the Cabinet, Council or identified as part of the Committees own work programme
- 13) To approve the terms of reference of any value for money reviews to be undertaken and take overall responsibility for the completion of that review
- 14) To consider any reports in relation to Value for Money referred to the committee by the Audit Committee and make recommendations to Council or to the Cabinet as appropriate in relation thereto

Policy Development and Review

- 15) If requested to do so by full Council or the Cabinet:-
 - (i) to assist in the development of the Council's Budget and Policy Framework beyond the role allocated to it by the Budget and Policy Framework Procedure Rules set out in Section E of Part 4 of this Constitution by in-depth analysis of policy issues, including conducting research and community consultation;
 - (ii) to consider and implement mechanisms to encourage and enhance community participation in the development of policy options; and
 - (iii) to liaise with other external organisations operating in the District, whether national, regional or local, to ensure that the policy development and implementation and decision making generally is enhanced by partnership and collaborative working.

Finance

- 16) To exercise overall responsibility for the finances made available to it.

9.4 Delegations

Within the Areas of Responsibility of the Committee the matters referred to in paragraphs 11.3.1 and 11.3.2 of the Terms of Reference.

9.5 Notes

9.5.1. The terms of reference of this Overview Committee must be read in conjunction with the various Procedural Rules set out in Part 4 of this Constitution, particularly the Overview and Scrutiny Procedure Rules, Access to Information Rules and the Budget and Policy Framework Procedure Rules.

PART 4 RULES OF PROCEDURE

SECTION A	Council Procedure Rules
SECTION B	Cabinet Procedure Rules
SECTION C	Overview and Scrutiny Procedure Rules
SECTION D	Access to Information Rules
SECTION E	Budget and Policy Framework Procedure Rules
SECTION F	Financial Procedure Rules
SECTION G	Contract Procedure Rules
SECTION H	Officer Employment Procedure Rules

SECTION A – COUNCIL PROCEDURE RULES**1. ANNUAL MEETING OF THE COUNCIL****1.1 Timing and order of business**

In a year when there is an ordinary 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 such day in April or May as the Council may fix. The Annual Meeting will:-

- 1) elect a person to preside if either the Chairman or Vice-Chairman is not present;
- 2) deal with any item of business required by law to be transacted before any other item;
- 3) elect the Chairman of the Council for the forthcoming municipal year;
- 4) appoint the Vice-Chairman of the Council for the forthcoming municipal year;
- 5) approve the minutes of the last meeting of the Council;
- 6) receive any declarations of interest from members
- 7) receive any announcements from the Chairman and/or Head of the Paid Service;
- 8) elect the Cabinet Leader;
- 9) be notified by the Cabinet Leader of appointments to the Cabinet, the allocation of responsibilities to Cabinet Members and appointments to outside organisations carrying out executive functions;
- 10) establish at least one Overview & Scrutiny Committees and such regulatory and other committees and sub committees as the Council considers appropriate to deal with matters which by law or by this Constitution are neither Executive functions or reserved to full Council;
- 11) determine the size and terms of reference of the committees and sub committees referred to in paragraph 10) above;
- 12) determine the allocation of seats to political groups in accordance with the political balance rules;
- 13) receive nominations of councillors to serve on each Committee and appoint the members thereto;

- 14) receive nominations of councillors to serve on outside bodies and appoint to those bodies except where appointment to any body or class of body is by law or by this Constitution exercisable by the Cabinet;
- 15) approve a programme of ordinary meetings of the Council for the municipal year (if not already agreed); and
- 16) consider any other items of business set out in the summons convening the meeting.

2. ORDINARY MEETINGS OF THE COUNCIL

2.1 Timing and order of business

Ordinary Meetings of the Council will take place not less than six times in each municipal year in accordance with a programme determined by the Council. Ordinary Meetings will:-

- 1) elect a person to preside if either the Chairman and Vice-Chairman is not present;
- 2) deal with any item required by statute to be dealt with before any other item;
- 3) to approve the minutes of the last meeting;
- 4) receive any declarations of interest from members;
- 5) receive any announcements from the Chairman, Cabinet Leader or Head of the Paid Service;
- 6) dispose of any business carried over from a previous meeting;
- 7) receive a presentation from a relevant individual or organisation including Thames Valley Police, as applicable and agreed in advance of the meeting by the Chairman, on a subject area relevant to the work of the Council or pertinent to a current issue for the Council
- 8) receive and consider the reports and recommendations of the Committees of the Council in date order of the meeting. A minute pack of the full set of meetings to be made available separately for members' information
- 9) receive and consider the recommendations of the Cabinet and receive questions and answers on any of those minutes and recommendations in accordance with Rule 8 of these Procedural Rules;
- 10) receive and consider any reports from the Cabinet Leader, Cabinet Members or Chairman of a Committee and receive questions and answers on any of those

reports in accordance with Rule 9.1 of these Procedural Rules;

- 11) to receive questions and answers of the Cabinet Leader, Cabinet Members or Chairman of a Committee asked under Rule 9.2 of these Procedural Rules;
- 12) to receive questions without notice from any member of the Council to the Leader, individual Cabinet Members or Committee Chairmen in accordance with Rule 9.1 of the Council Procedure Rules
- 13) to receive petitions and/or deputations from members of the public with the opportunity for members to ask questions of clarification at the discretion of the Chairman
- 14) receive any reports about and receive questions and answers relating to any joint arrangements or external organisations;
- 15) consider motions;
- 16) consider any other business specified in the summons to the meeting, including consideration of proposals from the Cabinet in relation to the Council's Budget and Policy Framework and reports of the Chairman of the Scrutiny Committee for debate; and
- 17) consider any other items of business set out in the summons convening the meeting.

3 EXTRAORDINARY MEETINGS

3.1 Calling Extraordinary Meetings.

Those listed below may request the proper officer to call a Council meeting in addition to an Ordinary Meeting (known as an Extraordinary Meeting):-

- 1) the Council by resolution;
- 2) the Chairman of the Council;
- 3) the Cabinet Leader;
- 4) the Monitoring Officer or Chief Finance Officer; and
- 5) any five members of the Council if they have signed a requisition presented to the Chairman of the Council (and copied to the proper officer and the Chairman has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

3.2 Business

An Extraordinary Meeting of the Council shall be limited to a single item of business notice of which shall be given in the summons for the meeting

4 CHANGES IN MEMBERSHIP OF COMMITTEES AND SUB-COMMITTEES

4.1 Casual Vacancies

The proper officer or such deputy appointed by him/her shall:-

- 1) determine after consultation with Group Leaders the allocation of seats to groups when there is a change in political composition during the term of the Council;
- 2) make and terminate the appointments to committee and sub-committees to reflect the wishes of the political group or party which is entitled to the seats

4.2 Temporary Changes

Temporary changes may be made to the membership of committees as follows:-

- 3) the Democratic & Electoral Services Manager or other officer he/she authorises shall agree temporary changes to membership of Committees submitted by Group Leaders, their deputies or other nominated representative after such consultation with other members as the Group Leaders, their deputies or other nominated representative considers appropriate
- 4) the Democratic & Electoral Services Manager is notified in writing or electronic form by 10 am on the day of the meeting;
- 5) the change applies to the entire meeting
- 6) the notification will specify whether the change is for a particular meeting or for a period, the dates for which must be given. The maximum period that can apply to a change is 3 months
- 7) temporary changes may be made to Planning Committee and Licensing and Regulation Committee provided that the replacement members have received mandatory training relevant to the committee's functions
- 8) temporary changes may be made to Senior Appointments Committee provided that the change is applicable to the whole period that the committee is dealing with a particular appointment or other issue

4.3 These rules do not apply to the Appeals and Complaints Committee or Licensing

Sub- Committee.

4.4 **Powers and Duties**

Temporary members will have all the powers of any ordinary member of the committee/sub-committee but will not be able to exercise any special duties exercisable by the person they are replacing.

5. **APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF COMMITTEES AND SUB-COMMITTEES**

5.1 The Council shall adjourn its annual meeting to enable every committee to appoint a chairman and vice-chairman who shall hold office until the next annual meeting. The Chairman of the Council or in his/her absence the Vice-Chairman of the Council shall preside at the first meeting for the purposes of appointing a chairman.

5.2 Every sub-committee shall at their first meeting after the annual meeting of the Council, appoint a chairman and vice-chairman who shall hold office until the first meeting following the annual meeting of the Council. The chairman of the appointing committee or in his /her absence the vice-chairman of that committee shall preside at the first meeting for the purpose of appointing a chairman.

5.3 If the chairman or vice-chairman are absent from a meeting a chairman for that particular occasion shall be appointed.

5.4 The chairman, vice-chairman or other person presiding may in exceptional circumstances vacate the chair if they feel that to speak strongly on a particular issue would not be compatible with their role as chairman of the meeting. In such circumstances the member concerned may remain in the meeting and participate in the debate. The vice-chairman shall preside or, if necessary another member shall be appointed to take the chair for this particular item.

6. **PLACE AND TIME OF MEETINGS**

6.1 The place and time of every Ordinary or Extraordinary Meeting will be determined by the proper officer and notified in the summons.

7. **NOTICE OF AND SUMMONS TO MEETINGS**

7.1 The proper officer will give notice to the public of the date, place and time of any meeting in accordance with the Access to Information Rules. At least five clear days before a meeting, the proper officer will send a summons 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.

8. **CHAIRING OF MEETING**

8.1 The person presiding at the meeting may exercise any power or duty of the Chairman. Where these rules apply to Committee and sub-Committee meetings, references to the Chairman also include the Chairman of a Committee or sub-Committee.

9. QUORUM

9.1 The quorum of a meeting will be one quarter of the whole number of members of the Council. If the meeting does not have a quorum at the time stated in the summons for it to begin the Chairman will wait up to 15 minutes to establish if the meeting has become quorate. If it has not, or if at any time during a meeting the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman, or at the next Ordinary Meeting of the Council.

10. QUESTIONS BY MEMBERS ON THE MINUTES

10.1 A Member of the Council may without notice ask the Cabinet Leader or the Cabinet Member with lead responsibility for the subject matter under consideration or a Committee Chairman any question upon any item in the minutes of the Cabinet or the relevant Committee (as the case may be) when that item is being received or considered by the Council.

11. OTHER QUESTIONS BY MEMBERS

11.1 On the reports of the Cabinet Leader, Cabinet Members and Committee Chairman

A member of the Council may without notice ask the Cabinet Leader or a Cabinet Member or a Chairman of a Committee of the Council any question upon any item in a report of the Cabinet Leader, Cabinet Member or Chairman of a Committee (as the case may be), when that item is being received or considered by the Council.

Notwithstanding the provisions of Rule 14 of these Procedural Rules (rules of debate):-

- 1) the maximum time allocated to questioning of the Cabinet Leader, Cabinet Members and Chairman of a Committee under Rule 11.1 above (known as "Question Time") shall be up to 60 minutes in total; and
- 2) During Question Time the questioner is required to pose his question within two minutes and the respondent will have five minutes to reply. The questioner will have the right to one supplementary question which must be posed within one minute and the respondent will have two minutes to reply.

- 3) Any Member of the Council may also without notice request that the Cabinet Leader or a Cabinet Member or a Chairman of a Committee of the Council presents a report to the next Ordinary Meeting concerning any matter falling within the responsibility of the Cabinet or the terms of reference of the relevant Committee (as the case may be).

11.2 Questions on notice at full Council

Subject to Rule 11.3, a member of the Council may ask:-

- 1) the Chairman of the Council;
- 2) the Cabinet Leader or a Cabinet Member; or
- 3) the Chairman of any Committee or Sub-Committee of the Council;

a question on any matter in relation to which the Council has powers or duties or which affects the District.

11.3 Notice of questions

A member may only ask a question under Rule 11.2 if either:-

- 1) he/she has given at least three clear days notice in writing of the question to the proper officer; or
- 2) the question relates to urgent business, the content of the question has been given to the Democratic and Electoral Services Manager by not later than 4.00 p.m. on the day of the meeting and the consent of the Chairman has been received in advance or is given at the meeting.

11.4 Response

An answer may take the form of:-

- 1) a direct oral answer;
- 2) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- 3) where the reply cannot conveniently be given orally, a written answer delivered later to the questioner.

11.5 Supplementary question

A Member asking a question under Rule 11.2 may without notice ask one supplementary question of the member to whom the first question was asked. The

supplemental question must arise directly out of the original question or the reply.

12. MOTIONS ON NOTICE

12.1 Notice

Except for motions which can be moved without notice under Rule 13 and without prejudice to the additional requirements of Rule 15, written notice of every motion, signed by at least 2 members, must be delivered to the proper officer at least 7 clear working days before the meeting. The proper officer will date and file each notice of motion. The file shall be open to public inspection.

12.2 Motion set out in Agenda

Motions 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.

12.3 Scope

Motions must be about matters for which the Council has a responsibility or which affect the District or a part of it.

13. MOTIONS WITHOUT NOTICE

13.1 The following motions may be moved without notice: -

- 1) to appoint a Chairman for the meeting or the remainder of the meeting;
- 2) in relation to the accuracy of the minutes;
- 3) to change the order of business in the agenda;
- 4) subject to the limitation in set out in paragraph (g) below to move a motion arising out of consideration of an item on the agenda provided the motion is relevant to that item and does not introduce new subject matter;
- 5) that a matter be referred back to a Committee or to an appropriate body or individual;
- 6) that a body be appointed or a person appointed to a body arising from an item on the summons for the meeting;
- 7) to adopt the reports and recommendations of Committees or Officers but a member cannot thereby move a motion or amendment which amends any decision of the Council made under delegated powers;

- 8) to withdraw a motion;
- 9) to amend a motion;
- 10) to proceed to the next item on the agenda;
- 11) that the question be now put;
- 12) to extend the time limit for questions or speeches;
- 13) not to hear further a Member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4 of these Procedural Rules;
- 14) to adjourn a debate;
- 15) to adjourn a meeting;
- 16) to exclude the press and public from the meeting in accordance with the Access to Information Rules;
- 17) by the Chairman to require a Member to leave the meeting;
- 18) to suspend one or more standing orders;
- 19) to give any consent required by these Procedural Rules; or
- 20) to give the consent of the Council where its consent is required by this Constitution.

14 RULES OF DEBATE

14.1 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 unless the mover is the Chairman of the meeting.

14.2 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.

14.3 Secunder's speech

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

14.4 Content and length of speeches

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed 5 minutes without the consent of the Chairman.

14.5 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: -

- 1) to speak once on an amendment moved by another member;
- 2) to move a further amendment if the motion has been amended since he last spoke;
- 3) if his 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);
- 4) in exercise of a right of reply;
- 5) on a point of order; or
- 6) by way of personal explanation.

14.6 Amendments to motions

- 1) 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;
 - (ii) to leave out words;
 - (iii) to leave out words and insert or add others; or
 - (iv) to insert or add words,
 - (v) as long as the effect of (ii) to (iv) is not to negate the motion.
- 2) 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.

- 3). If an amendment is not carried, other amendments to the original motion may be moved.
- 4). 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.
- 5). 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.

14.7 Alteration of motion

- 1). A Member may alter a motion of which he/she has given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- 2). 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.
- 3). Only alterations which could be made as an amendment may be made.

14.8 Withdrawal of 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.

14.9 Right of reply

- 1). 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.
- 2). 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.
- 3). The mover of the amendment has no right of reply to the debate on his or her amendment.

14.10 Motions which may be moved during debate

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

- 1) to withdraw a motion;
- 2) to amend a motion;
- 3) to extend the time limit for questions and speeches;
- 4) to proceed to the next business;
- 5) that the question be now put;
- 6) to adjourn a debate;
- 7) to adjourn a meeting;
- 8) that the meeting continue beyond 3 hours in duration;
- 9) to exclude the public and press in accordance with the Access to Information Rules; or
- 10) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

14.11 Closure motions

A member may move, without comment, the following motions at the end of a speech of another Member:-

- 1) to proceed to the next business;
- 2) that the question be now put;
- 3) to adjourn a debate; or
- 4) To adjourn a meeting.
- 5) If a motion to proceed to next business is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will give the mover of the original motion a right of reply and then put the procedural motion to the vote.
- 6) 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 will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- 7) 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.

14.12 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 standing orders or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Chairman on the matter will be final.

14.13 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.

15 PREVIOUS DECISIONS AND MOTIONS

15.1 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 10 members.

15.2 Motion similar to one previously rejected

A motion or amendment in similar terms to one that has been rejected at a meeting of full Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 10 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

16 VOTING

16.1 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.

16.2 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 second or casting vote.

16.3 Show of hands

Unless a recorded vote is demanded under Rules 16.4, the Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

16.4 Recorded vote

If any Member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes.

16.5 In accordance with the Local Authority (Standing Orders) (England) (Amendment) Regulations 2014 a recorded vote will be taken when the Council makes a calculation of the budget requirement or issues a Council Tax precept under the relevant sections of the Local Government Finance Act 1992.

16.6 Right to require individual vote to be recorded

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

16.7 Voting on appointments

If there are more than two people nominated for any position to be filled and 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.

17 MINUTES**17.1 Signing the minutes**

The Chairman will sign the minutes of the proceedings at the next suitable meeting. The Chairman will move that the minutes of the previous meeting be signed as a correct record. Only the accuracy of the minutes can be discussed and then only by Motion.

17.2 No requirement to sign minutes of previous meeting at Extraordinary Meeting

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

17.3 Form of minutes

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

17.4 Absent Members

If a Member who is unable to attend a meeting wishes to question the accuracy of the minutes of a meeting, he may deliver such question in writing to the proper officer not later than 4.00 pm on the date given in the summons for the meeting at which the minutes are to be approved and the proper officer shall bring the question to the attention of the meeting.

18 RECORD OF ATTENDANCE

All Members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of every meeting to assist with the record of attendance.

19 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 19.1 of these Rules (Disturbance by Public).

20 MEMBERS' CONDUCT

20.1 Respect for the Chairman

When the Chairman rises during a debate, any member then standing must immediately stop speaking and sit down, and the Council must be silent.

20.2 Standing when speaking

When a Member speaks at full Council he must stand and address the meeting through the Chairman. If more than one member stands, the Chairman will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

20.3 Member not to be heard further

If 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.

20.4 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.

20.5 General disturbance

The Chairman may adjourn the meeting for as long as he/she considers necessary if there is a general disturbance which makes orderly business impossible.

21. DISTURBANCE BY PUBLIC**21.1 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.

21.2 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.

22. BROADCASTING AND RECORDING

Audio recording and text based communication shall be allowed at meetings which are open to the public, whether carried out by a member of the public, a representative of the media or a councillor. The Chairman of the meeting may limit the number of mobile electronic devices in use at any time if there is any interference with the Council's own audio visual equipment. Such devices should always be set to their silent or vibrate modes. Filming or photography during proceedings shall only take place with the prior agreement of the chairman who shall announce any arrangements which has been agreed at the start of the meeting.

23. DISCLOSABLE PECUNIARY INTEREST

A Member must leave the meeting room or chamber including the public gallery during the consideration of any item of business in which they have a disclosable pecuniary interest, unless they are permitted to remain as a result of a dispensation.

24. JOINT MEETINGS OF AN OVERVIEW COMMITTEE**24.1** Where any matter, decision or item of business:

- 1) falls within the terms of reference of more than one Overview Committee; or
- 2) in the normal course of procedure would be submitted for separate consideration to more than one Overview Committee; or
- 3) could be the subject of a 'Call-In' in accordance with Rule 11 of the Overview Procedure Rules by the Chairman or Vice Chairman of more than one Overview Committee;

then, subject to the proper officer obtaining the agreement of the Chairman, or in the absence of the Chairman, the Vice Chairman of each such Overview Committee (together called the 'relevant Overview Committees') the matter, decision or item of business may be considered by a joint meeting of the Relevant Overview Committees.

24.2 Where agreement has been obtained to the holding of a joint meeting of the relevant Overview Committees the proper officer will convene such joint meeting in compliance with Rule 5 of these Council Procedure Rules.

24.3 The first item of business at a joint meeting of the relevant Overview Committee shall be the election of a Chairman for the duration of the meeting and nominations for the office of Chairman shall be limited to the members present holding the office of Chairman or Vice Chairman of the relevant Overview Committees.

24.4 Nominations for the appointment of a Vice Chairman for the meeting shall also be limited to the members present holding the office of Chairmen or Vice Chairmen of the relevant Overview Committees with the proviso that the Vice Chairman shall not be a member of the same Overview Committee as the Chairman.

24.5 Apart from the right of the Chairman to exercise a second vote no member shall have more than one vote in relation to any motion put to a vote at a joint meeting.

24.6 The Overview Procedure Rules set out in this part of the Constitution shall apply to a joint meeting of the relevant Overview Committees with such modifications or amendments as are necessary to give effect thereto.

25 PETITIONS

The Chairman of the Council may formally receive – and debate as necessary - a Petition received in accordance with the adopted Petition Scheme in Part 9.

26 OFFICERS REPORTS

If the Chairman of the Council invites an Officer to present a report, the Council shall resolve itself into a committee to receive and consider such report.

27 SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES

27.1 Suspension

All of these Council Rules of Procedure except Rule 14.6 and 15.2 may be suspended by motion with or 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.

27.2 Amendment

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

28 APPLICATION TO COMMITTEES AND SUB-COMMITTEES etc.**28.1 Application to full Council**

All of the Council Rules of Procedure (except Rule 24) apply to meetings of full Council.

28.2 Application to Committees and Sub-Committees

- (1) All of the Council rules of procedure apply to meetings of Full Council. Only Rules 4 to 8, 13, 14 (but not 14.4, 14.5 or 14.9), 16 (but not 16.2), 17 to 23 and 27.2 of these Procedural Rules apply to meetings of committees and sub-committees including the Overview Committees. Rule 9 also applies save that the quorum for any Committee or Sub Committee shall be determined by the relevant Terms of Reference set out in this Constitution.
- (2) In the case of Overview Committees Rule 14 will apply with such modifications as are necessary to give effect to any protocols adopted by the Committees for the conduct of investigative reviews.
- (3) In the case of the Appeals and Complaints, Licensing & Regulation, Licensing 3Sub Committee and Taxi and Private Hire Licensing Sub-Committee Rule 14 will apply with such modifications as are necessary to give effect to any protocol or procedural rules adopted for the conduct of appeals or any relevant legislation applying thereto.
- (4) Rule 24 applies only to a joint meeting of an Overview Committee.

28.3 Application to the Cabinet

These Procedural Rules will only apply to meetings of the Cabinet to the extent specified in the Cabinet Procedure Rules set out in this part of the Constitution, but not further or otherwise.

SECTION B – CABINET PROCEDURE RULES**1 ROLE AND COMPOSITION****1.1 Role of the Cabinet**

The Cabinet is responsible for the efficient discharge of all Council functions allocated to it by law and this Constitution; see Part 3 of this Constitution for full details. In making decisions the Cabinet will have regard to the principles of decision making set out in Article 12 of this Constitution.

1.2 Composition of the Cabinet

The Cabinet comprises a Cabinet Leader appointed by full Council and five other councillors appointed by the Leader. The Leader may appoint one of the Cabinet Members to act as Deputy Leader. The Leader can remove Cabinet Members from office. In the event of a removal, a replacement Cabinet Member will be appointed for the remainder of the year.

2 CABINET FUNCTIONS AND DECISIONS**2.1 Allocation of Functions**

The Leader may allocate lead responsibility for an individual Cabinet Function or a combination of such Functions (called "a portfolio") to Members of the Cabinet as he/she sees fit. The current portfolio allocations are set out in Part 3 of this Constitution.

At the Annual Meeting of the Council, the Leader will present to the Council a report containing the following information concerning the discharge of Cabinet Functions in relation to the coming year :-

- 1) the names of the Members appointed to the Cabinet and the portfolios allocated to them;
- 2) the constitution and terms of reference of such Committees of the Cabinet as the Leader proposes to convene and the names of the Cabinet Members appointed to them;
- 3) the extent of any authority delegated to Cabinet Members individually, including details of any limitations on their authority;
- 4) the nature and extent of any delegation of a Cabinet Function to any other authority or any joint arrangements including the names of those Cabinet Members appointed to any joint committee for the coming year; and
- 5) the nature and extent of any delegation of a Cabinet Function to Officers with

details of any limitations on those delegations, and the title of the officer to whom the delegation is made.

2.2 Cabinet Decisions

Cabinet decisions may be made:-

- 1) by the Cabinet as a whole; or
- 2) by the Leader or individual Cabinet Members provided :-
 - the decision is not a Key Decision
 - the class or category of decision directly relates to a function, service or activity for which that Member has lead responsibility; and
 - the Cabinet as a whole has authorised the Member to take decisions of that class or category; or
- 3) by a committee of the Cabinet; or
- 4) by an Officer acting under delegated powers (provided the decision is not a Key Decision unless authorised by a prior resolution of the Cabinet or any other of the provisions of the Constitution); or
- 5) by joint arrangements; or
- 6) by another local authority.

2.3 Sub-delegation of Cabinet Functions

Where the Cabinet or a Committee of the Cabinet is responsible for a Cabinet Function, they may in turn delegate that function to an Officer or to joint arrangements.

The delegation of a Cabinet Function will not prevent the discharge of that function by the person or body who delegated it.

2.4 The Council's Scheme of Delegations and Cabinet Functions

The Council's Scheme of Delegation to Officers set out in Part 7 of this Constitution (which includes delegations to Officers in respect of Cabinet Functions) will be subject to annual adoption by the Council and the Cabinet in relation to their respective functions. The Cabinet may also amend the Scheme at any time in so far as it relates to a Cabinet Function.

2.5 Conflicts of Interest

If any pecuniary or non-pecuniary interest arises during the consideration of any

matter, it will be dealt with in accordance with the Code of Conduct in Part 5 of this Constitution.

If, in the exercise of a Cabinet Function that has been delegated to a Committee of the Cabinet or to an Officer, a pecuniary or non-pecuniary interest arises, then the function will, in the first instance, be exercised by the person or body by whom the delegation was made and otherwise in accordance with the Code of Conduct for Members in Part 5 of this Constitution.

3 CABINET MEETINGS

- 3.1 The Cabinet will meet not less than six times in the Council year at the dates and times to be determined by the Leader and notified to the Council at its Annual Meeting. The Leader shall be permitted to amend or further amend the time (but not the date) of a meeting of the Cabinet by giving notice to that effect at an ordinary meeting of the Council. The amended meeting time will take effect immediately unless the agenda for the next Cabinet Meeting has been published, in which case the amended meeting time will take effect from the meeting following the next meeting of the Cabinet.
- 3.2 Notwithstanding the provisions of Rule 3.1 above and subject to compliance with Rules 3.4 and 4.11 below, in cases of urgency the Leader shall be permitted to:-
- 3.2.1 amend the date of an ordinary meeting of the Cabinet PROVIDED that the Agenda and reports for such meeting are made available to the press and public not less than five clear day before the amended meeting date and that notice of such amended date is posted on the Council's web site;
- 3.2.2 instruct the Proper Officer to call an extraordinary meeting of the Cabinet.
- 3.3 If there is insufficient time to consider all the items of business on the Agenda for a meeting, the Leader or other Cabinet Member chairing the meeting shall be entitled to suspend the meeting providing he/she appoints a date within the succeeding seven days when the meeting will be re-convened.
- 3.4 The Cabinet shall meet at the Council Offices, King George V Road, Amersham, Bucks or at such other location as the Leader shall determine
- 3.5 The quorum for a meeting of the Cabinet, or a Committee of the Cabinet shall be three
- 3.6 Cabinet Decisions that have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Council's Access to Information Rules in Part 4 of the Constitution.
- 3.7 Where Cabinet decisions are delegated to a Committee of the Cabinet, the rules applying to Cabinet Decisions taken by them shall be the same as in Rules 3.6 above.

4 CONDUCT OF MEETINGS

- 4.1 If the Leader is present he/she will preside. In the Leader's absence the Deputy Leader will preside. If the Leader or Deputy Leader are absent, the Cabinet Members present will elect a Chairman from among their number.
- 4.2 All meetings will be open to the press and public in accordance with the Access to Information Rules in Part 4 of the Constitution except when the Cabinet is considering confidential or exempt items of business (as defined by Section 100C of the Local Government Act 1972) and it is in the public interest that such items of business are considered in private.
- 4.3 At each meeting of the Cabinet the following business will be conducted:-
- 1) consideration of the minutes of the last meeting;
 - 2) declarations of interest, if any;
 - 3) matters referred to the Cabinet (whether by an Overview Committee or by the Council) for reconsideration by the Cabinet in accordance with the provisions of the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution;
 - 4) consideration of reports from an Overview Committee;
 - 5) the Cabinet Forward Plan;
 - 6) reports from statutory officers in respect of their functions
 - 7) the items of business set out in the agenda for the Meeting.
- 4.4 The items of business set out in the Cabinet 28 Day Notice and in the Agenda for the Meeting will indicate those which are likely to result in a Key Decision being made.
- 4.5 Reports to the Cabinet from the Leader or a Cabinet Member or an Officer relating to the Budget and Policy Framework will contain details of the nature and extent of consultation with the relevant Overview Committee, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation with the relevant Overview Committee and other stakeholders as appropriate.
- 4.6 The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader may place any matter on the Agenda of any Cabinet Meeting whether or not authority has been delegated to the Cabinet, or a Committee of the Cabinet or an Officer in respect of that matter, except a matter that falls within the terms of

reference of a Committee or Sub-Committee of the Council and which relates to the rights, responsibilities, obligations or duties of any body or person. The Proper Officer will comply with the Leader's request in this respect.

- 4.7 A Cabinet Member may also place a matter falling within his portfolio on the Agenda and the Proper Officer will comply with the Cabinet Member's request in this respect.
- 4.8 The Proper Officer will place an item on the Agenda of the next available meeting of the Cabinet where an Overview Committee or the full Council have resolved that an item be considered by the Cabinet.
- 4.9 In pursuance of their statutory duties, the Monitoring Officer and/or the Chief Finance Officer may, following consultation with each other and the Head of the Paid Service, include an item for consideration on the Agenda of a meeting of the Cabinet and may also, if there is no meeting scheduled in time to consider the matter in question, require the Proper Officer to convene such a meeting.
- 4.10 In other circumstances, where the Chief Executive or any of the Directors are of the opinion that a matter relating to an Executive function requires a decision, they may include an item on the Agenda of a meeting of the Cabinet and if there is no meeting scheduled in time to consider the matter in question, may require the Proper Officer to convene such a meeting.
- 4.11 Subject to the provisions of these Rules, the following Council Procedure Rules shall, with such modifications as are necessary to give effect to them, apply to meetings of the Cabinet :-
- 1) Rule 5 ;
 - 2) Rules 11 and 12;
 - 3) Rule 13.1 (save that a motion or amendment to rescind a decision taken within the last six months shall be only be valid if carried unanimously)
 - 4) Rules 14 to 17;
 - 5) Rules 19 and 23 (excluding Rule 23.2).

5 REPRESENTATIONS BY NON CABINET MEMBERS

- 5.1 At a meeting of the Cabinet a Member who is not a Member of the Cabinet may make representations to the Cabinet immediately prior to the consideration of an item for decision which either affects his ward or in respect of which he has some specialist or technical knowledge, subject to the following conditions :-
- 1) Notice of the item for decision upon which the Member wishes to make representations is given to the Proper Officer either verbally, in writing or by

electronic means at least one hour before the meeting at which the matter is to be considered commences;

- 2) Representations are limited to five minutes; and
- 3) When a Member has completed making his representations no further representations from the Member on that matter will be considered.

5.2 The Cabinet will not engage in a debate although the Leader or a Cabinet Member may seek explanation or clarification of any aspect of a representation within the five minute period and may grant an extension of time not exceeding two minutes for that purpose.

5.3 In order to facilitate the efficient conduct of business the Leader or other Cabinet Member chairing the meeting will have the discretion to limit the total number of representations on any matter.

6 DECISIONS MADE OTHER THAN AT MEETINGS OF THE CABINET

6.1 If the Leader or a Cabinet Member to whom individual decision making powers has been delegated by the Cabinet makes a decision in pursuance of those powers they shall :-

- 1) Do so in compliance with Article 12.2 of this Constitution (Principles of decision making);
- 2) Do so in compliance with the Access to Information Rules in Part 4 of this Constitution;
- 3) Forthwith cause a written record of the decision to be made to include a statement of the reasons for making the decision and the alternative options considered or rejected;
- 4) As soon as is practicable but in any event not later than 24 hours after the decision has been made, notify the Proper Officer of the decision and provide him with a copy with the written record; and
- 5) Comply with any Protocol from time to time approved for use in connection with the exercise of individual decision making powers by the Leader or Cabinet Members.

6.2 The Proper Officer will publish such decisions and notify the Chairmen and Vice-Chairmen of the Overview Committees in accordance with the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution and shall report to the next available meeting of the Cabinet as an information item all decisions notified under Rule 6.1.3) above.

6.3 Key Decisions will continue to be made by the Cabinet collectively and nothing in this Rule shall be considered as authorizing or permitting the making of a Key Decision by the Cabinet or a member of the Cabinet acting as an individual.

7. **POLICY ADVISORS**

7.1 Cabinet Members may appoint at their discretion other Members of the Council, not limited to members of the majority group, to advise and assist them with:

- a) the discharge of their functions,
- b) the development of policy,
- c) other matters of current interest

7.2 Different Policy Advisors may be appointed to cover particular areas of activity. Policy Advisors can only act in an informal capacity and cannot exercise executive functions individually or collectively

7.3 Policy Advisors may be Members of an Overview and Scrutiny Committee whose remit includes the activities of the portfolio they are assisting with, providing there is not a significant conflict of interest and they do not scrutinise a decision in which they have been actively involved

7.4 Policy Advisors will serve for a maximum of 12 months, ending at the annual Council meeting but may be re-appointed by the relevant Cabinet Members for a further period

7.5 The Chairman of a Policy Advisory Group can be any member of the respective PAG

7.6 Policy Advisory Groups will normally meet in the absence of the press and the public, but will be open to any elected member

7.7 Policy Advisory Groups will meet as and when required but normally once each cycle before Cabinet. The relevant Cabinet Member will agree with officers before the despatch of the meeting agenda what information should be kept confidential and the extent of that confidentiality. For example, it may be decided that whilst information can be released to the wider Council membership and relevant officers, it should not be divulged to the press and public. Alternatively, depending upon the subject matter, it may be decided that the issues discussed at the Group meetings can be made more publicly available. It may be that there will be a division between what information can be released and what should be kept confidential.

7.8 The Democratic and Electoral Services Manager will be advised of the establishment, membership and chairman (and any mid-term changes in membership) of each Policy Advisory Group and shall maintain a record of such.

SECTION C - OVERVIEW & SCRUTINY PROCEDURE RULES**1 APPLICATION OF RULES**

These Rules apply to the Overview Committees of the Council and any ad hoc Sub-Committees of an Overview Committee

2 COMPOSITION AND TERMS OF REFERENCE

The composition and terms of reference of the Overview Committees of the Council are more particularly described in Article 7 and Part 3 of this Constitution.

3 MEETINGS

3.1 There shall be at least six Ordinary Meetings of each Overview Committee in the Council year. In addition, the Chairman of an Overview Committee and/or three or more members of an Overview Committee may request the Proper Officer to convene an Extraordinary Meeting to consider any matter falling within the Committee's terms of reference. The Proper Officer will comply with that request unless he considers that the matter can be dealt with at the next Ordinary Meeting.

3.2 The quorum for meetings of an Overview Committee shall be five.

3.3 The Chairman and Vice-Chairman of each Overview Committee will be appointed in accordance with the Council Procedure Rules.

3.4 Meetings will be conducted in accordance with the Council Procedure Rules to the extent provided by Rule 30.2 of those Rules.

3.5 All meetings will be in public in accordance with the Council's Access to Information Rules in Part 4 of the Constitution except when confidential or exempt items of business (as defined in Section 100C of the Local Government Act 1972), are under consideration.

4 WORK PROGRAMME

Each Overview Committee will be responsible for setting its own work programme and in so doing so they shall have particular regard to the views of those members of the Committee who are not members of the largest party group on the Council.

5 AGENDA ITEMS

5.1 Any member of an Overview Committee shall be entitled to give notice to the Proper Officer that he wishes an item relevant to the functions of that Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting.

- 5.2 Any five or more members of the Council who are not members of a particular Overview Committee may give written notice to the Proper Officer that they wish an item relevant to the functions of that Overview Committee to be included on the agenda for the next available meeting of the Committee. On receipt of such a request the Proper Officer will ensure that it is included on the agenda for the next available meeting.
- 5.3 An Overview Committee shall also consider any request from full Council or the Cabinet to review any area of Council activity falling within its Terms of Reference and shall adjust their work programme to the extent necessary to carry out such a review. If the review was requested by the Cabinet, the reporting back of the findings of the review will be in accordance with Rule 7 below. If the review was requested by full Council, the Chairman of the Overview Committee responsible for carrying it out will report the findings in writing to full Council by providing a copy of the report to the proper officer who shall include the report on the agenda for the next available meeting of the Council in accordance with the Council Procedure Rules. Full Council will resolve itself into a committee to consider any such report.
- 5.4 With the prior consent of the Cabinet Leader or relevant Cabinet Portfolio Holder an Overview Committee may consider a report relating to the discharge of a Cabinet Function prior to the matter being considered by the Cabinet. In addition, with the consent of the Cabinet Leader or relevant Cabinet Portfolio Holder and the Chairman of the relevant Overview Committee an Officer may include a report relating to the discharge of a Cabinet Function on the agenda for a meeting of an Overview Committee prior to the matter being considered by the Cabinet.
- 5.5 Where a report is considered by an Overview Committee prior to the matter being considered by the Cabinet in accordance with Rule 5.4 above :-
- 1) Rule 11 below (Call-In) shall no longer apply to any decision subsequently made by the Cabinet on that report;
 - 2) if such report would normally be received by the Overview Committee after a decision on it has been taken by the Cabinet due to the application of Rule 3 of the Budget & Policy Framework Procedure Rules, the Overview Committee may resolve not to receive a report on that matter after a decision on it has been taken by the Cabinet or only to receive a report on the matter if the Cabinet depart from any of the recommendations of the Committee in a material particular; and
 - 3) Rule 7 below shall not apply and the Cabinet will be notified of the recommendations of the Overview Committee by the Proper Officer appending a copy of the minutes of the Committee to the officer's report or tabling a copy of the minutes at the meeting of the Cabinet.
- 5.6 The Overview Committee relevant to the subject matter will receive and

consider Petitions received as set out in the adopted Petitions Scheme in Part 9 - in particular hearing evidence from senior officers.

6 POLICY DEVELOPMENT AND REVIEW

6.1 The role of an Overview Committee in relation to the development of the Council's budget and policy framework is more particularly described in the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution.

6.2 The role of an Overview Committee in the development and review of policies falling outside the Budget and Policy Framework Procedure Rules is more particularly described in Article 7.3.3) and the Terms of Reference of each Overview Committee is in Part 3 of this Constitution. In summary an Overview Committee may assist full Council or the Cabinet in the development and formulation of policy, including conducting research and consultation, if requested to do so.

7 REPORTS FROM OVERVIEW COMMITTEES TO THE CABINET

7.1 Once an Overview Committee in exercise of its overview and scrutiny role has formed a recommendation in relation to any matter falling within its terms of reference and which relates to a Cabinet Function, the Chairman will prepare a formal report (called a "Chairman's Report") and submit it to the Proper Officer for consideration by the Cabinet. The Proper Officer will, subject to Rule 7.3 below, place it on the agenda for the next available meeting of the Cabinet in accordance with the Cabinet Procedure Rules.

7.2 If three or more members of an Overview Committee do not agree with the recommendations in a Chairman's Report then up to one minority report may be prepared (called a "Minority Report") and submitted to the Proper Officer for consideration by the Cabinet. The Proper Officer will, subject to Rule 7.3 below, place it on the Agenda for the next available meeting of the Cabinet in accordance with the Cabinet Procedure Rules.

7.3 The Cabinet will consider the Chairman's Report and any Minority Report at the next scheduled meeting of the Cabinet, unless the matter is urgent when the Proper officer shall exercise his/her powers under the Cabinet Procedure Rules to convene a meeting of the Cabinet in order that a report on the urgent matter can be considered.

7.4 If for any reason the Cabinet fails to consider a Chairman's Report or any Minority Report at the meeting of the Cabinet, the agenda for which includes those reports, they will stand referred for discussion at the next Ordinary Meeting of full Council. Full Council will resolve itself into a committee to consider the reports.

7.5 Once a Chairman's Report and any Minority Report has been considered by the Cabinet, the Cabinet Leader or Cabinet Member with lead responsibility for the Cabinet Function the subject of such report, will respond in writing (called a "Cabinet

Response") to the Chairman of the Overview Committee that submitted the Chairman's Report and provide a copy to the Proper Officer, giving the concluded views of the Cabinet thereon. The Proper Officer will place the Cabinet Response on the agenda for the next available meeting of that Overview Committee.

- 7.6 An Overview Committee that meets to consider a Cabinet Response may require the Cabinet Member who prepared the Cabinet Response to appear before it to answer questions. If the Overview Committee is dissatisfied with the Cabinet Response for any reason they may resolve that the matter be referred to the next Ordinary Meeting of full Council for final determination. Full Council will resolve itself into a committee when considering such a referral.

8 RIGHTS OF OVERVIEW COMMITTEE MEMBERS TO DOCUMENTS

- 8.1 In addition to their rights as Members of the Council, Members of an Overview Committee will have the additional rights to documents and to notice of meetings of the Cabinet described in the Access to Information Rules set out in Part 4 of the Constitution.

9 MEMBERS AND OFFICERS GIVING ACCOUNT

- 9.1 An Overview Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions falling within its Terms of Reference. In addition to reviewing documentation, it may require the Cabinet Leader and any Member of the Cabinet, the Head of the Paid Service and any Director or Head of Service to attend before it to explain, in relation to matters within their remit :-

- 1) any particular decision or series of decisions;
- 2) the extent to which the actions taken implement Council policy; and/or their performance;
- 3) and it is the duty of those persons to attend if so required.

- 9.2 Where any Member or officer is required to attend an Overview Committee under this provision, the Chairman of that Committee will notify the Proper Officer in writing. The Proper Officer will then notify the Member or officer concerned giving at least 7 days notice of the meeting at which he is required to attend. The notice will state the nature of the item on which he is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Committee would require the preparation of a report, then the Member or officer concerned will be given sufficient notice to allow for this to be done.

- 9.3 Where, in exceptional circumstances, a Member or officer is unable to attend on the

required date, then the Overview Committee or Sub-Committee shall in consultation with the Member or officer concerned, arrange an alternative date for attendance to take place within a maximum of six weeks from the date of the original request.

10 ATTENDANCE BY OTHERS

10.1 An Overview Committee may invite persons other than those referred to in Rule 9 above to address it and/or answer questions. This shall not extend to officers below Head of Service level without the agreement of the Head of Paid Service or relevant Director.

11 CALL-IN

11.1 When a Cabinet Decision is made by the Cabinet, a Cabinet Member or a Committee of the Cabinet, or a Key Decision is made by an officer with delegated authority from the Cabinet, such decision will be published by electronic means in a notice specifying when the decision will come into force and be implemented unless it is called-in.

11.2 Such notice will include a the record of the decision, the date on which it was published and will, unless the decision is an urgent decision falling within Rule 12 below, specify that the decision will come into force and may then be implemented on the expiry of 5 working days after the date of publication, unless the Chairman or Vice-Chairman of the relevant Overview Committee objects to it by written notice (including e-mail) to the Proper Officer received before 4.00 p.m. on the fifth working day after the publication of the decision (a "Notice of Call-In"). In the case of Notice of Call-In sent to the Proper Officer by e-mail, the Proper Officer shall record the date and time of receipt on the Notice and that record shall stand as conclusive proof of the date and time of receipt thereof.

11.3 A Notice of Call- In shall not be valid unless:-

- 1) the decision the subject of the Notice of Call In is a Key Decision;
- 2) on its face, the Notice of Call-In identifies a failure by the decision maker to comply with Article 12.2 of this Constitution (Principles of decision making), or a breach of some other provision of this Constitution; and
- 3) the Notice of Call-In identifies the manner in which the decision maker is alleged to have failed to comply with Article 12.2 or breach of some other provision of this Constitution.

11.4 The validity of a Notice of Call-In shall be determined by the relevant Overview Committee as a preliminary issue.

11.5 If the Proper Officer receives a Notice of Call-In he/she shall convene an Extraordinary Meeting of the relevant Overview Committee within fifteen working days of receipt of

a call-in notice to consider as the sole item of business, the decision the subject of the Notice of Call-In, unless an ordinary meeting of the Committee or Sub-Committee is scheduled to take place within that period, in which case the matter the subject of the Notice of Call-In will be added to the Agenda for the Ordinary Meeting and taken as an urgent item if necessary. At the same time the Proper Officer will notify the Cabinet, Committee of the Cabinet or Officer (as the case may be) enclosing a copy of the Notice of Call-In. Until the matter has been considered by the relevant Overview Committee and, unless the Overview Committee resolve that it is content with the decision, the decision the subject of the Notice of Call-In may not be implemented before the decision making body or person has reconsidered the decision having regard to the views of the Committee.

- 11.6 Notification to the Cabinet by the Proper Officer under Rule 11.4 shall be to the Cabinet Leader or relevant Cabinet Portfolio Holder and shall stand as an invitation (but not a requirement) to the recipient to attend.

12 CALL-IN AND URGENCY

- 12.1 The call-in procedure set out in Rule 11 above shall not apply where the decision being taken by the Cabinet is urgent. A decision will be regarded as urgent if a delay in implementation would lead to a loss of income, or result in unnecessary expenditure, or otherwise prejudice the Council's interests.
- 12.2 The record of a decision made by the Cabinet or a Committee of the Cabinet, or a Key Decision made by an Officer with delegated powers shall state whether, in the reasonable opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to the call in procedure set out in Rule 11 above. The decision maker shall not be permitted to mark a record of the decision as urgent unless he has first obtained the consent of the Chairman of the relevant Overview Committee or if he is absent or otherwise unavailable his Vice-Chairman or if he/she is unable to act, the Chairman of the Council.
- 12.3 Where a decision is regarded as urgent for the reason that a delay in implementation would lead to a loss of income or result in unnecessary expenditure, the request to the Chairman of the relevant Overview Committee shall make it clear the level of the predicted loss of income or unnecessary expenditure likely to be incurred.
- 12.4 Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

13 THE PARTY WHIP

Political party whips will not be applied to the functions of Overview Committees.

14 PROCEDURE AT OVERVIEW COMMITTEE MEETINGS

- 14.1 An Overview Committee shall consider the following business in the following order:-

- 1) minutes of the last meeting;
 - 2) declarations of interest (including pecuniary and non-pecuniary interests));
 - 3) consideration of a Cabinet Response to a Chairman's or Minority Report; and
 - 4) the business otherwise set out on the agenda for the meeting.
- 14.2 Where an Overview Committee is conducting a review or investigation and has required a member of the Cabinet or an Officer to appear before it, or has requested a member of the public or other third party to attend to give evidence, the following principles will be observed :-
- 1) the review or investigation will be conducted fairly and all members of the Committee will be given the opportunity to speak and question attendees;
 - 2) that those assisting the Committee by giving evidence will be treated with respect and courtesy; and
 - 3) that the review or investigation will be conducted so as to maximise the efficiency of the review or investigation.
- 14.3 In consultation with the other Overview Committees an Overview Committee shall be able to adopt such other codes and protocols for the proper conduct of Call-Ins and other scrutiny investigations as it sees fit provided they are not inconsistent with any of the Rules comprised in Part 4 of this Constitution. Having adopted such codes or protocol as aforesaid an Overview Committee shall comply with them as if they were part of these Rules and printed out herein unless the Committee otherwise resolves.
- 14.4 A member who has raised a matter referred to an Overview Committee may attend the meeting of the Committee where the matter is discussed unless the matter to be discussed includes confidential or exempt information. The Committee will in any event notify the relevant member of its decision and the reasons for it - subject the exclusion of confidential or exempt information.
- 14.5 Where the Overview Committee completes its consideration of a matter it will decide whether to make any recommendations to Cabinet/Council/publish its report.

APPENDIX 4**SECTION D - ACCESS TO INFORMATION RULES****1 SCOPE**

These rules apply to all meetings of the Council, Overview and Scrutiny Committees, area committees (if any), Joint Committees and meetings of the Cabinet (together called meetings). These rules do not apply to Policy Advisory Groups (PAGs) or any other Advisory Groups.

Any documentation which is being referred to as being posted or made available means " made available at the Council's Offices, King George V House, King George V Road, Amersham, and on the Council's website".

2 ADDITIONAL RIGHTS TO INFORMATION

These Rules do not affect any more specific rights to information contained elsewhere in this Constitution or granted by law.

3 RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings to which these Rules apply subject only to the exceptions set out in Rule 10 below. In accordance with the Openness of Local Government Bodies Regulations 2014 the public may report on meetings and use any communications method, including the internet to publish, post or otherwise share the results of the reporting activities.

4 NOTICE OF PUBLIC MEETINGS

The Council will give at least five clear working days notice of any meeting by posting details of the meeting on its website.

5 NOTICE OF PRIVATE MEETINGS

5.1 The Council will give at least 28 clear calendar days notice of its intention to hold a meeting of the Cabinet in private by posting a notice on its website. The notice must include a statement of the reasons for the meeting to be held in private.

5.2 At least five clear working days before a private meeting of the Cabinet, the Council will post a further notice of its intention to hold a meeting in private. The notice must include a statement of the reasons for the meeting to be held in private and details of any representations received about why the meeting should be open to the public and a statement of its responses to any such representations.

6. ACCESS TO AGENDAS AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports that are open to inspection

by the public (called "an open report"), available for inspection at least five clear working days before the meeting by publication on the Council's website. 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. Moreover, that item will only be considered at the meeting if the Chairman agrees that it is urgent and the reasons for the urgency must be recorded in the minutes. Where an open report is prepared after the agenda has been published, the Council will make a copy of each such report available for inspection by the public as soon as the report has been completed and sent to councilors by publication on the Council's website.

6 SUPPLY OF COPIES

The Council will supply to any person on payment of a charge for postage and any other costs, copies of:-

- 1) the agenda and open reports for any meeting ;
- 2) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 3) If the proper officer thinks fit copies of any other documents supplied to councilors in connection with an item.

7 ACCESS TO AGENDAS AND MINUTES AFTER THE MEETING

7.1 The Council will make available copies of the following for a period of six years after a meeting:-

- 1) the minutes of all meetings or where appropriate records of decisions taken, with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public and which would disclose confidential or exempt information;
- 2) 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;
- 3) the agenda for the meeting; and
- 4) reports relating to items considered when the meeting was open to the public.

8 BACKGROUND PAPERS

8.1 List of background papers

Every report considered at a meeting will contain a list of documents (called "background papers") which relate to the subject matter of the report and which :-

- 1) disclose any facts or matters on which the report or an important part of the report is based; and
- 2) have been relied on to a material extent in the preparation of the report;
- 3) excluding any published works or those which would disclose confidential or exempt information as defined in Rule 10 hereof, or in respect of any report to the Cabinet, would disclose the advice of a political advisor.

8.2 Public inspection of background papers

The Council will make available for public inspection for the period of four years after the date of the meeting at which a report was considered, a copy of each of the documents on the list of background papers relating to that report (excluding any published works or those which would disclose confidential or exempt information).

9 SUMMARY OF THE RIGHTS OF THE PUBLIC

According to law, a written summary of the rights of the public to attend meetings and to inspect and copy documents must be kept and be available to the public and these Rules together with Part 8 of this Constitution constitute such written summary and are available on the Council's website.

10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

10.1 Confidential information – requirement to exclude public

The public must be excluded from a meeting 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

Subject to Rule 10.3 below, the public may be excluded from a meeting whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that exempt information would be disclosed and it is in the public interest that the public are excluded

10.3 Human Rights Act 1998

Notwithstanding the provisions of Rule 10.2 above, where a meeting will determine any person's civil rights or obligations, the public will not be excluded unless a private hearing is necessary for one of the reasons specified in Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms; that is to say that the exclusion of the press and public is necessary:-

- 1) in the interests of morals, public order, or national security; or

- 2) to protect the interests of minors; or
- 3) to protect the private life of the person whose civil rights or obligations are being determined; or
- 4) to the extent strictly necessary, in special circumstances where publicity would prejudice the interests of justice.

10.4 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 the Order of an English Court.

10.5 Meaning of exempt information

Exempt information means information falling within any of the 7 categories set out in the Table below, subject to the corresponding conditions and qualifications (if any) set out Parts 2 and 3 of Schedule 12A to the Local Government Act 1972 (as amended) (as

CATEGORY
1. Information relating to any individual
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

Qualifications

1. In addition, financial or business information falling within paragraph 3 is not exempt information if it is required to be registered under the following Acts:-
 - (a) the Companies Act 1985;
 - (b) the Friendly Societies Act 1974;
 - (c) the Friendly Societies Act 1992;
 - (d) the Industrial and Provident Societies Acts 1965 to 1978;
 - (e) the Building Societies Act 1986; or
 - (f) the Charities Act 1993.

2. Information falling within any of paragraphs 1-7 is not exempt by virtue of that paragraph if it relates to proposed development for which the local planning authority can grant itself planning permission under Regulation 3 of the Town and Country Planning General Regulations 1992.

3. Information which:
 - a) Falls within any of the categories 1 to 7 above; and
 - b) Is not prevented from being exempt by virtue of qualifications 1 or 2 above
 Is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information

10.6 Public Interest Test

There is an inherent interest in access to information held by public bodies and the factors favouring disclosure include:-

- a) promoting accountability for public expenditure
- b) allowing individuals to understand decisions and being able to question those decisions
- c) promoting public order, health and safety
- d) enabling people to become informed and able to participate in public debate; and
- e) where the information assists the applicant to enforce their rights under human rights legislation

11 EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

- 11.1 The Council may, if the proper officer thinks fit, but only if it is in the public interest to do so, exclude access by the public to reports which in his opinion relate to items during which, in accordance with Rule 10 hereof, the meeting is likely not to be open to the public. Such reports will be marked "Not for Publication" together with the category of exempt information likely to be disclosed and will indicate that, in all the

circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the report.

12 SPECIAL RULES APPLYING ONLY TO THE CABINET

12.1 Making Key Decisions

If the Cabinet or a Committee of the Cabinet or a Joint Committee, meet to make a Key Decision (as defined in Article 12.3(2) of this Constitution), or the Cabinet Leader, a Cabinet Portfolio Holder or an Officer acting under delegated powers intends to make a Key Decision, the decision making body or person must also comply with this Rule, unless Rules 14 and 15 below apply.

12.2 Procedure before Making Key Decisions

Subject to Rules 14 and 15 below, a Key Decision shall not be made in relation to any matter unless :-

- 1) a document (called "the 28 Day Notice") has been published at least 28 clear days (which includes weekends and public holidays) before a decision is made. The following information will be included in the 28 Day Notice:
 - a) the matter in respect of which the decision is to be made;
 - b) whether the decision maker is the Cabinet, a Portfolio Holder or an Officer, their name and title and where the decision-maker is a decision-making body, its name and a list of its members;
 - c) a date on which or period within which the decision is to be made;
 - d) a list of the documents to be submitted to the decision-maker or decision-making body;
 - e) the procedure for requesting details of those documents;
 - f) a statement of the reasons why the item will be held in private (if appropriate and the category being used to exempt the information)
 - g) the identity of the principal groups whom the decision-maker proposed to consult before taking the decision;
 - h) the means by which any such consultations is proposed to be undertaken
 - i) the steps any person might take who wishes to make representations to the decisions 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
- 2) at least five clear days have elapsed since the publication of the 28 Day Notice;
- 3) if the decision is to be taken by the Cabinet or a Committee of the Cabinet or by a Joint Committee, notice of the meeting has been given in accordance with Rule 4 hereof; and

13 THE 28 DAY NOTICE

The Leader will prepare a 28 Day Notice which in addition to listing all Key Decision the Cabinet is expected to make during the next 28 days, will also list the non-Key Decisions that the Cabinet are expected to make during the same period. It will also list any key decisions that officer are expected to make.

14 GENERAL EXCEPTION

14.1 If a matter which is likely to result in or require a Key Decision has not been included in the 28 Day Notice, then subject to Rule 15 hereof, the decision may still be taken if:-

- 1) publication of the intention to make a Key Decision in the 28 Day Notice is impracticable; and
- 2) the proper officer has notified the Chairman of the relevant Overview Committee in writing of the matter in respect of which a Key Decision is to be made;
- 3) the proper officer has made copies of that notice available for inspection by the public and published it on the Council's website; and
- 4) at least five clear days have elapsed since the proper officer complied with Rules 14 1.2) and 3) above.

14.2 As soon as reasonably practicable after the decision-maker has obtained the agreement under 14.1 above a notice setting out the reasons why compliance with Rule 13 is practicable must be published on the Council's website

15 SPECIAL URGENCY

15.1 If the date by which a Key Decision must be made makes compliance with Rule 14 impracticable, then the decision can only be taken if the decision-maker obtains agreement from the chairman of the relevant Overview Committee that the making of the decision is urgent and cannot reasonably be deferred. If the Chairman of the relevant Overview Committee is unable to act, then the agreement of the Chairman of the Council, or in his absence the Vice- Chairman of the Council, must be obtained.

15.2 As soon as reasonably practicable after the decision-maker has obtained the agreement under 15.1 above a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred must be published on the Council's website.

16 REPORT TO COUNCIL

16.1 When an Overview Committee can require a report

If an Overview Committee considers that a Key Decision made in respect of a matter falling within its Terms of Reference has been taken by the Cabinet or a Committee of the Cabinet, or by a joint Committee or by an Officer acting under delegated powers, which was not:-

- 1) included in the 28 Day Notice; or
- 2) the subject of the general exception procedure in Rule 14 above; or
- 3) the subject of an agreement with the Chairman of the relevant Overview Committee, or the Chairman or Vice-Chairman of the Council under Rule 15 above.

the Committee may require the Leader to prepare and submit a report to the next Ordinary Meeting of full Council. If the Overview Committee so resolves, the proper officer shall forthwith give written notice to the Leader of such requirement.

16.2 Cabinet Leader's report to full Council

When required to do so in accordance with Rule 16.1 above, the Leader will prepare and submit a report for submission to the next Ordinary Meeting of full Council unless that meeting will take place within 14 days of receipt of the written notice from the proper officer, in which case, the report shall be submitted to the Ordinary Meeting of full Council next following. The report shall set out particulars of the decision, the body who made it and the opinion of the Leader as to whether he considered the decision to be a Key Decision.

16.3 Quarterly reports on Special Urgency Decisions

In any event the Leader will submit quarterly reports to full Council on Key Decisions taken in the circumstances set out in Rule 15 (special urgency) in the preceding quarter. The report shall include the number of decisions so made, a summary of the matters in respect of which those decisions were made and the identity of the body or person who made them.

17 RECORD OF DECISIONS**17.1 Record of Decisions made by the Cabinet at meetings of the Cabinet.**

After any meeting of the Cabinet or a Committee of the Cabinet, 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 a statement of the reasons for each decision and any alternative options considered and rejected, any conflict of interest declared and any dispensation granted by the monitoring officer but will not

include any confidential or exempt information that was considered in private. Such decision will be published and notified to all members electronically.

17.2 Record of Decisions made by the Cabinet Leader or a Cabinet Member as an individual

Decisions made by the Cabinet Leader or a Cabinet Member as an individual shall be recorded as prescribed by Rule 6 of the Cabinet Procedure Rules set out at Section B of Part 4 of this Constitution. Such decision will be published and notified to all members electronically.

17.3 Record of Key Decisions made by Officers.

Where an Officer acting under delegated powers makes a Key Decision, he will immediately prepare a record of the decision in the manner prescribed for the recording of non Key Decisions by the Cabinet Leader or a Cabinet Member as an individual as set out in Rule 6 of the Cabinet Procedure Rules. Such decision will be published and the Chairmen and Vice Chairmen of the Overview Committees notified in accordance with Rule 11 of the Overview and Scrutiny Procedure Rules.

18. KEY DECISION THRESHOLD

The Key Decision Threshold referred to in Article 12.3 (4) and (5) of this Constitution is **FIFTY THOUSAND POUNDS** (£50,000). Excluded from this threshold for a Key Decision are contracts for repairs, maintenance and improvement works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, except where Contract Procedure Rules require the Cabinet itself to authorize acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

19 OVERVIEW COMMITTEES ACCESS TO DOCUMENTS

19.1 Rights to copies

Subject to Rule 19.2 below, an Overview Committee (including any of its sub-committee) will be entitled to receive within ten working days of the request being made to the Cabinet, copies of any document which is in the possession or control of the Cabinet or a Committee of the Cabinet, or a joint Committee with power to make decisions in respect of a Cabinet Function, or an Officer with delegated powers in respect of any Cabinet Function, and which contains material relating to:-

- 1) any business transacted at a public or private meeting of the Cabinet, Committee of the Cabinet or joint Committee (as the case may be); or
- 2) any decision taken by an individual members of the Cabinet or a Cabinet decision taken by an Officer acting under delegated powers.

19.2 Limit on rights

An Overview Committee will not be entitled to:-:

- 1) any document that is in draft form;
- 2) 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
- 3) any note or document prepared by an officer purely for the purpose of briefing the Cabinet Leader or a Member of the Cabinet; or
- 4) the advice of a political adviser.

20 ADDITIONAL RIGHTS OF ACCESS FOR MEMBERS

20.1 Material relating to previous business of Cabinet

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

- a) It appears to the proper officer that it contains exempt information; or
- b) It contains the advice of a political adviser.

However, the document is required to be open to inspection if the information is of a description falling within:

- (i) Paragraph 3 of exempt information (information relating to the financial or business affairs of any particular person including the Council) except to the extent that the information relates to any terms proposed or to be proposed by or to the Council in the course of negotiations for a contract; or
- (ii) Paragraph 6 of exempt information (information which reveals that the authority proposes to give notice by virtue of which requirements are imposed on a person or make an order or direction).

20.2 Material relating to Key Decisions

All members of the Council will be entitled to inspect any document (except those only available in draft form) in the possession or under the control of the Cabinet which relates to any Key Decision unless paragraph 20.1 a) or b) above applies.

20.3 Nature of Rights

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

SECTION E - BUDGET AND POLICY FRAMEWORK PROCEDURE RULES**1 THE FRAMEWORK FOR EXECUTIVE DECISIONS**

- 1.1 The Council will be responsible for the adoption of its Budget and Policy Framework as defined in Article 4 of this Constitution. Once a budget or a Policy Framework is in place it will be the responsibility of the Cabinet to implement it. The Cabinet will have the power to amend, modify, vary or revoke the Policy Framework to the extent permitted by Rule 6 below.

2 PROCESS FOR DEVELOPING THE BUDGET AND POLICY FRAMEWORK

- 2.1 After consulting with the community and other stakeholders in a manner appropriate to the matter under consideration, the Cabinet will draft initial proposals in relation to any plan, strategy or budget which forms part of the Council's Budget and Policy Framework.
- 2.2 When the initial proposals in relation to any such plan strategy or budget have been drafted by the Cabinet, the proper officer will forthwith serve a copy on the Chairman of the Overview Committee that has responsibility for scrutinising the draft plan strategy or budget under consideration ("the relevant Overview Committee") (unless the relevant Overview Committee has already considered the initial proposals in accordance with Rule 5.4 of the Overview & Scrutiny Procedure Rules set out at Part B of Section 4 of this Constitution) and notify him of the dates and/or proposed timetable within which the Cabinet intend to develop the proposal and submit them to full Council for approval.
- 2.3 The interval between the date of the initial proposals and the next consideration of them by the Cabinet will be not less than six weeks, in order that the relevant Overview Committee may exercise the powers conferred on it by Rule 3.4 below unless the relevant Overview Committee resolves to approve the draft plan strategy or budget under consideration without amendment or resolves to make no comment thereon, in which case the matter may be referred to full Council for approval
- 2.4 In order to consider whether to respond to the initial proposals of the Cabinet and whether any consultation by the relevant Overview Committee, in addition to any consultation carried out by the Cabinet, is necessary, the proper officer will convene an extraordinary meeting of the relevant Overview Committee within 21 days, unless an ordinary meeting is scheduled to take place not less than 7 or more than 21 days from the date that the proper officer gave the Chairman of the relevant Overview Committee notification of the initial proposals of the Cabinet.
- 2.5 If the relevant Overview Committee determines to respond and/or to carry out any further consultation, it will make its recommendations to the Cabinet (reflecting any representations made to it as a result of further consultation) by the date, or in accordance with the timetable, indicated in the notice served on the Chairman by the proper officer.

- 2.6 The Cabinet will finalise its proposals for consideration by full Council taking into account the recommendations (if any) of the relevant Overview Committee. The report to full Council will include the Cabinet's response to those recommendations and the extent to which they have been accepted by the Cabinet.
- 2.7 Full Council will consider the final proposals of the Cabinet and may:-
- 1) adopt them with or without amendment;
 - 2) refer them back to the Cabinet for further consideration; or
 - 3) substitute its own proposals in their place.
- 2.8 When full Council resolves to adopt any budget, policy strategy or plan the subject of these Rules the decision will be publicised in accordance with the Access to Information Rules set out at Section D of this part of the Constitution and a notification of the decision shall be served on the Cabinet Leader by the proper officer. The notice of decision shall be dated and shall state either:-
- 1) that the decision is effective immediately; or
 - 2) that the decision will become effective on the expiry of 14 days after the publication of the notice of decision, unless the Cabinet Leader formally objects in that period.
- 2.9 If the Cabinet Leader objects to the decision of full Council, he shall give written notice to the proper officer to that effect prior to the date upon which the decision is to be effective and give reasons for the objection. The proper officer shall convene an Extraordinary Meeting of full Council to reconsider its decision as the sole item of business and the summons for the meeting shall include details of the objection of the Cabinet Leader to the decision. The decision shall not be effective pending the outcome of the meeting.
- 2.10 The Extraordinary Meeting shall take place within 21 days of the date that the Cabinet Leader gave notice of his objection to the proper officer. Full Council will resolve itself into a committee to reconsider its decision in the light of the objections and shall make a final decision by a simple majority. The decision shall then be made public in accordance with the Access to Information Rules set out at Section D of this part of the Constitution and shall be implemented immediately.

3 DECISIONS TO BE IN ACCORDANCE WITH BUDGET AND POLICY FRAMEWORK

- 3.1 Subject to any provisions concerning virement between budget heads contained in the Financial Procedure Rules set out at Section F of this part of the Constitution, all decisions made in the discharge of a Cabinet Function (called a "Cabinet Decision") shall be in accordance with the Budget and Policy Framework unless otherwise

authorised by the terms of this Constitution.

- 3.2 A Cabinet Decision which is contrary to or not wholly in accordance with the Budget and Policy Framework approved by full Council and is not otherwise authorised by the terms of this Constitution shall only be made by full Council. Cases of doubt or difficulty shall be referred to the Monitoring Officer and/or Chief Finance Officer for advice.
- 3.3 If the Cabinet or a Committee of the Cabinet or a joint Committee or an Officer with delegated powers to discharge a Cabinet Function want to make an Cabinet Decision which is contrary to or not wholly in accordance with the Budget and Policy Framework and is not otherwise authorised by the terms of this Constitution, the decision will be referred to the next ordinary meeting of full Council for determination, unless it is urgent in accordance with Rule 5 below.

4 URGENT DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 4.1 Notwithstanding that a Cabinet Decision may be contrary to the Budget or Policy Framework and is not otherwise authorised by the terms of this Constitution, the body or person who, but for the provisions of Rule 4 above would be able to make the decision, shall nevertheless be entitled to do so in the following circumstances :-
- 1) the decision can reasonably be regarded as urgent; and
 - 2) it is not practical to convene a quorate meeting of full Council; and
 - 3) the Chairman of the relevant Overview Committee or if he is unable to act, the Chairman of the Council, or in his absence the Vice-Chairman of the Council, provide a written statement agreeing that the decision is a matter of urgency.
- 4.2 A decision shall not be regarded as urgent under this Rule unless a failure to make the decision would lead to a loss of income, or result in unnecessary expenditure, or otherwise prejudice the Council's interests.
- 4.3 The reasons why it was not practical to convene a quorate meeting of full Council and why the Chairman of the relevant Overview Committee or the Chairman or Vice-Chairman of the Council agreed to a Cabinet Decision being made as a matter of urgency shall be noted on the record of the decision.
- 4.4 Following the making of an urgent Cabinet Decision, the decision maker shall report to the next Ordinary Meeting of full Council, explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

5 CALL-IN OF DECISIONS OUTSIDE THE BUDGET OR POLICY FRAMEWORK

- 5.1 Where an Overview Committee is of the opinion that a Cabinet Decision is, or if made and implemented, would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget and is not otherwise authorised by the terms of this Constitution, then it shall seek advice from the Monitoring Officer and/or Chief Finance Officer.
- 5.2 The Monitoring Officer or Chief Finance Officer shall give their opinion in a report which shall be sent to the Leader and the Chairman of the relevant Overview Committee and copied to all councillors. If the Cabinet Decision the subject of the report has not been made, or if made, has not been implemented or only partially implemented, such decision shall not be made, implemented, or further implemented (as the case may be), pending consideration of the matter by the Cabinet and/or full Council in accordance with Rules 6.3 and 6.4 below, unless the opinion in the report is that the decision is within the Budget and Policy Framework or is authorised by any other of the terms of this Constitution.
- 5.3 In the event that the report of the Monitoring Officer and/or Chief Finance Officer concludes the Cabinet Decision under consideration is, or if made and implemented, would be, contrary to the Policy Framework, or contrary to or not wholly in accordance with the Council's Budget and is not otherwise authorised by the terms of this Constitution :-
- 1) the Leader shall convene an Extraordinary Meeting of the Cabinet within the period of 7 days following the date of the report, unless an Ordinary Meeting of the Cabinet is scheduled within that time;
 - 2) the Cabinet shall, in accordance with Rule 6.4 below, consider what action it intends to take in the light of the advice given in the report; and
 - 3) the proper officer, or (if no Officer was present at the meeting) the Cabinet Leader, shall ensure that a copy of the record of any decision made by the Cabinet in this regard is given to the Chairman of the relevant Overview Committee, the Monitoring Officer and the Chief Finance Officer.
- 5.4 Having considered what action it intends to take, the Cabinet shall resolve as follows
- 1) if the decision has not been made :-
 - (i) to not make the decision; or
 - (ii) to refer the matter to full Council for a determination;
 - 2) if the decision has been made, but not implemented:-
 - (i) to not implement the decision; or
 - (ii) to refer the decision to full Council for a determination;
 - 3) if the decision has been made, but only partly implemented:-

- (i) to not implement the decision further; or
- (ii) to refer the decision to full Council for a determination;

5.5 If the Cabinet resolves that the matter be referred to full Council for a decision, the proper officer shall convene an Extraordinary Meeting of the Council within 21 days of the date of the resolution of the Cabinet, unless an Ordinary Meeting of the Council is scheduled to take place within that time, in which case the matter will be placed on the agenda for the Ordinary Meeting.

5.6 At the meeting full Council will receive the report of the Monitoring Officer and/or the Chief Finance Officer and shall resolve itself into committee to consider the matter. The Council shall either:-

- 1) endorse the decision or proposed decision as one falling within the existing Budget and Policy Framework, or otherwise authorised by the terms of this Constitution; or
- 2) amend the relevant budget, strategy, plan or policy, so as to bring the decision or proposed decision within the Budget and Policy Framework and to ratify the decision if already made; or
- 3) so far as permitted by law, amend the Articles of this Constitution or any of the Rules contained in this part of the Constitution so as to otherwise authorise or ratify the decision or proposed decision; or
- 4) authorise the proposed decision, or ratify the decision if already made, without making any amendments to the Budget and Policy Framework, or amending the Articles of this Constitution or any of the Rules contained in this part of the Constitution; or
- 5) agree that the decision or proposed decision is contrary to, or not wholly in accordance, with the Budget, or contrary to the Policy Framework and not authorise by the terms of this Constitution, and require the Cabinet to reconsider the matter in accordance with the advice of the Monitoring Officer and/or Chief Finance Officer.

6. LIMITED POWERS OF THE CABINET TO MODIFY THE POLICY FRAMEWORK

6.1 Notwithstanding the other provisions of these Rules, the Cabinet shall have the power to amend, modify, vary or revoke any plan or strategy falling within the Policy Framework where such amendment, modification variation or revocation :-

- 1) is required to giving effect to any requirement of a Secretary of State or Minister of the Crown in relation to any plan or strategy submitted to him for approval;

- 2) is within the limits authorised by full Council when it approved the plan or strategy under consideration; or
- 3) is required to give effect to changes in legislation or government guidance or is an annual updating in accordance with provisions of the original plan or strategy

**Chiltern District Council
and
South Bucks District Council**

**FINANCIAL PROCEDURE
RULES**

September 2016

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BACKGROUND AND INTRODUCTION

1. To conduct its business efficiently a local authority needs to ensure that it has sound financial management policies in place and that they are adhered to. Part of this process is the establishment of Financial Procedure Rules that set out the financial policies of the authority. These rules link with other rules and procedures forming part of the Council's Constitution.
2. These Financial Procedure Rules relate to both Chiltern District Council and South Bucks District Council.
3. This version will apply from 22 July 2015 and supersedes all previous financial regulations, procedure rules and instructions.
4. It should be remembered that these Financial Procedure Rules aim to achieve financial propriety across all the Council rather than to act as a barrier to action for Officers and Members. Assistance to ensure compliance with these rules and further guidance can be obtained from the Finance Team.
5. Should any breach of the Financial Procedure Rules come to light it must be reported immediately to the Director of Resources.

STATUS OF FINANCIAL PROCEDURE RULES

6. Financial Procedure Rules provide the framework for managing the Council's financial affairs and are approved by full Council. They apply to every Member and Officer of both Councils and anyone acting on their behalf and to any Joint Committee or other body for which either Council is the Lead Authority. Where reference is made in these procedure rules to the role and responsibilities of the Cabinet this will be taken to include, where appropriate, the relevant Joint Committee or other body.
7. The Financial Procedure Rules identify the financial accountabilities and responsibilities of full Council, Cabinet, Overview and Scrutiny Committee Members, the Audit Committee, the Head of Paid Service, the Monitoring Officer, the Chief Financial Officer and other senior officers.
8. The Director of Resources is responsible for maintaining a continuous review of the Financial Procedure Rules. Any additions or amendments to these rules will be submitted by the Director of Resources to the Audit Committee for consideration. The Audit Committee will recommend any additions or amendments to full Council for approval and adoption.
9. Any Member who fails to comply with Financial Procedure Rules may be the subject of a report, by the Chief Executive or Director of Resources to the appropriate Committee. Any Officer who fails to comply with Financial Procedure Rules may be subject to action under the Councils' disciplinary procedures.
10. Any reference in the Financial Procedure Rules to writing will include electronic methods of communication such as e-mail provided that a permanent record is kept of the communication.
11. Any reference in the Financial Procedure Rules to authorisation or approval will include either manual signature or electronic authorisation in a form approved by the Director of Resources.

12. In the event of issues of interpretation or non-compliance remaining unresolved by the officers concerned, the Cabinet will be the final arbiter.

WAIVING OF FINANCIAL PROCEDURE RULES

General

13. Any proposed waiving of Financial Procedure Rules must be the subject of a report from the Director or Head of Service concerned, in consultation with the Director of Resources, to the full Council or, if the proposed waiver is in connection with the discharge of a Cabinet function, to the Cabinet.

In the Event of an Emergency

14. Where expenditure is incurred in direct support of a major emergency, direct action in connection with the Enforcement of Planning Control or other appropriate incident be it internal or external to the Council, Financial Procedure Rules may be waived where it is impractical or inappropriate to invoke them.
15. The Chief Executive or in his/her absence, a Director or any two Heads of Service, has authority under such an emergency situation to authorise the waiving of Financial Procedure Rules.
16. All such emergency events will be reported to the first available meeting of full Council or, if the waiver was in connection with the discharge of a Cabinet function, to the first available meeting of the Cabinet following the event.

A FINANCIAL MANAGEMENT

Why is this important?

All Officers and Members have a duty to abide by the highest standards of probity in dealing with financial issues on behalf of the Authority. This is achieved by ensuring everyone is clear about the standards to which they are working and the controls that are in place to ensure that these standards are met.

A1 MEMBER AND OFFICER RESPONSIBILITIES

Full Council

17. The full Council is responsible for adopting the Council's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the Council's overall framework of accountability and control which is set out in the Constitution.
18. Full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its committees. These delegations and details of who has responsibility for which decisions are set out in the Constitution.

Cabinet

19. Cabinet is responsible for proposing the policy framework and budget to full Council, and for discharging Cabinet functions in accordance with the policy framework and budget.
20. Cabinet decisions can be delegated to a committee of the Cabinet, an individual Cabinet Member, an Officer or a Joint Committee.
21. The Cabinet is responsible for establishing protocols to ensure that individual Cabinet Members consult with relevant officers before taking a decision within his/her delegated authority. In doing so, the individual Cabinet Member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

Overview and Scrutiny Committee(s)

22. The Overview and Scrutiny Committee(s) are responsible for scrutinising Cabinet decisions before or after they have been implemented and for holding the Cabinet to account. These Committees are also responsible for making recommendations on future policy options and reviewing the general policy and service delivery of the Council.

Audit Committee

23. The Audit Committee reports to the full Council. It has right of access to all the information it considers necessary and can consult directly with internal and external auditors.
24. The Audit Committee is responsible for reviewing the external auditor's reports, the external auditor's annual audit letter and internal audit's annual report and may make recommendations for appropriate further action.

25. The Audit Committee is responsible for monitoring the delivery of both external audit and internal audit plans and any additional audit work undertaken during the year. In addition, the committee may consider the outcomes of any fraud investigations and the action taken.
26. The Audit Committee may also initiate reviews of the adequacy of financial procedures and internal controls, including the adequacy of the internal audit function, and recommend to the Cabinet future policy options; as part of these reviews, Directors and/or Heads of Service may be required to account to the Committee for their actions.

Officer Responsibilities

27. Various statutory duties have been invested in Council appointments and are detailed in the Council's Constitution:
 - The Chief Executive holds the statutory duties of the Head of Paid Service.
 - The Head of Legal & Democratic Services holds the statutory duties of the Monitoring Officer.
 - The Director of Resources holds the statutory duties of the Chief Finance Officer.

Head of Paid Service

28. The Chief Executive, as Head of Paid Service, is responsible for the corporate and overall strategic management of the Council. He/she must report to and provide information to the Cabinet, full Council, Overview and Scrutiny Committee(s) and other Committees. He/she is also responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Chief Executive is also responsible, together with the Head of Legal and Democratic Services as Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions.

Monitoring Officer

29. The Head of Legal and Democratic Services is the designated Monitoring Officer for the Council and is responsible for promoting and maintaining high standards of financial conduct. He/she is also responsible for reporting any actual or potential breaches of the law or maladministration to full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
30. The Monitoring Officer must ensure that:
 - Cabinet decisions and the reasons for them are made public
 - Council Members are aware of decisions made by the Cabinet and of those made by officers who have delegated executive responsibility.
31. The Monitoring Officer is also responsible for:
 - advising all Members and Officers about who has authority to take a particular decision
 - advising full Council or Cabinet about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the policy framework

- advising (together with the Director of Resources) full Council or Cabinet about whether a decision is likely to be considered contrary to, or not wholly in accordance with, the budget.
- maintaining an up to date Constitution.

Director of Resources

32. The Director of Resources has statutory duties in relation to financial administration and stewardship of the Council. This statutory responsibility cannot be overridden. The statutory duties arise from Section 151 of the Local Government Act 1972, the Local Government Act 1988, the Local Government and Housing Act 1989 and the Accounts and Audit Regulations 2011.
33. The Director of Resources will act as the financial advisor to full Council and Cabinet, subject to the specific delegation of responsibility to Directors and/or Heads of Service for the proper management of their services.
34. The responsibilities of the Director of Resources under Section 151 of the Local Government Act 1972 are:
 - Advising on corporate risk profiling and management, including safeguarding assets, risk avoidance and insurance.
 - Advising on effective systems of internal control.
 - Ensuring that there is an effective system of internal financial control, including anti-fraud controls.
 - Advising on anti-fraud and anti-corruption strategies and measures.
 - Preparing statutory and other accounts and associated grant claims.
 - Ensuring there is an effective internal audit function and assisting management in providing effective arrangements for financial scrutiny.
 - Securing effective systems of financial administration.
 - Securing effective arrangements for treasury management, pensions and trust funds.
 - Ensuring a prudential financial framework is in place.
 - Ensuring that financial management arrangements are in line with broad policy objectives and the authority's overall management.
35. Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer (Director of Resources) to report to the full Council, Cabinet and the External Auditor if the Authority or one of its Officers:
 - Has made, or is about to make, a decision which involves incurring unlawful expenditure.
 - Has taken, or is about to undertake, an unlawful action which has resulted or would result in a loss or deficiency to the Authority.
 - Is about to make an unlawful entry in the authority's accounts.

36. Section 114 also requires the Section 151 Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally. The Head of Finance is the designated officer for this purpose.
37. The Act also requires the Council to provide the Section 151 officer with sufficient staff, accommodation and other resources – including legal advice where it is necessary to carry out duties under Section 114.
38. The Director of Resources is responsible for maintaining a continuous review of the Financial Procedure Rules and for submitting any additions or changes necessary to full Council for approval.
39. The Director of Resources is responsible for reporting, where appropriate, breaches in Financial Procedure Rules to the full Council and/or the Cabinet.

Directors and Heads of Service

40. Directors and Heads of Service are responsible for ensuring that all their staff are aware of the existence and content of the Council's Financial Procedure Rules and that they understand and comply with them.
41. It is the responsibility of Directors and Heads of Service to consult with the Director of Resources and seek approval on any matter liable to materially affect the Authority's finances before any commitment is incurred.
42. It is the responsibility of Directors and Heads of Service to ensure that all Council, Cabinet or other committee reports contain a section that provides Members with an accurate description of the financial implications of the subject of the report, including whether the expenditure can be met within existing budgets. Reports must be circulated in advance to the Director of Resources or nominated representative. The Director of Resources or nominated representative must sign off all reports that have material financial implications that he/she agrees the financial implications section of the report.

A2 DELEGATION AND AUTHORISATION

43. Directors and Heads of Service are responsible for ensuring that a proper scheme of delegation is established within their service areas which operates effectively, identifying staff authorised to act on the Directors' or Heads of Services' behalf in respect of payments, income collection and placing orders within the limits of their authority.
44. Directors and Heads of Service will provide the Head of Finance with a certified Authorised Signatory List detailing those officers, together with specimen signatures, within their respective service areas authorised to certify various documents or transactions. Such lists will be updated and amended as required and any changes notified to the Head of Finance without delay. All lists will be reviewed annually, or as otherwise directed by the Director of Resources. Any alternative authorisation procedures will be in accordance with arrangements approved by the Director of Resources.
45. Directors and Heads of Service should ensure separation of duties within their service areas so that no one officer is able to carry out all parts of a financial transaction i.e. an officer other than the one who authorised the order must certify the payment

A3 SCHEME OF VIREMENT

46. The scheme of virement is intended to enable the Cabinet, Directors and Heads of Service to manage budgets with a degree of flexibility within the overall policy framework determined by full Council and therefore to optimise the use of resources.
47. Virement is the permission to spend more on one budget when this is matched by a corresponding reduction (saving) on some other budget. A virement does not create an additional budget but changes the purpose for which the budget will be used via a switch or transfer of resources.
48. Virement is an important part of the budgetary control process and an important mechanism in managing budgets efficiently and within cash limits. Virement needs to be undertaken in a controlled manner. It provides a mechanism to amend annual budgets to reflect changing circumstances or to address overspends and helps to ensure that budgets are based on actual activity.
49. Directors/Heads of Service must demonstrate that savings are feasible for a virement to be actioned. Savings of a non-recurring nature i.e. one-off, cannot be used to justify the incurring of expenditure with a continuing commitment into future years.
50. Virements between Capital (including Repairs & Renewals) and Revenue are not permitted.
51. All proposals for virement must be submitted on the appropriate form to the Head of Finance either for information, written agreement and/or referral to the Cabinet depending on the amount requested.
52. The Head of Finance will keep a record of all virements and will reflect all virements within the Financial Information System.
53. The table below sets out the approval limits for all virements and applies to both Revenue and Capital budgets.

CDC

Up to £3,000	Head of Service
£3,001 to £10,000	Director of Resources
£10,001 to £50,000	Director of Resources (If same Service Area)
£10,001 to £50,000	Portfolio Holders (If different Service Area)
Over £50,000	Full Council

SBDC

Up to £10,000	Head of Service
£10,001 to £50,000	Director of Resources
£50,001 to £100,000	Cabinet
Over £100,000	Full Council

Nb: These limits are cumulative for a budget code, as opposed to per virement.

A4 SUPPLEMENTARY ESTIMATES

54. Given the virement procedures available to Directors/Heads of Service and the increasing budget pressures on the Council's finances, requests for Supplementary Estimates are unlikely to be considered favourably unless there are exceptional circumstances. The Director of Resources would expect all virement opportunities to have been used before agreeing the need for a Supplementary Estimate.

55. Where any cost centre (revenue or capital) is likely to vary from its approved net budget by either more than:

CDC £5,000 or 1%, whichever is the greater,
SBDC £10,000 or 1%, whichever is the greater,

and where no possibility for virement exists, the Director/Head of Service concerned, after consultation with the Director of Resources, will inform the Portfolio Holder of a request for a Supplementary Estimate. The request for a Supplementary Estimate will be the subject of a report to the Cabinet and onward recommendation to the full Council.

A5 YEAR END BALANCES

56. Service specific carry forward of year end balances is generally not allowed. Any overall under or overspend at the end of the financial year will normally be transferred to / from the General Fund Reserve unless the Cabinet, on the advice of the Director of Resources, recommend any transfers to earmarked reserves.

A6 ACCOUNTING POLICIES

57. The Director of Resources is responsible for selecting suitable accounting policies and for ensuring that they are applied consistently. The accounting policies are set out in the Statement of Accounts
58. Directors and Heads of Service are responsible for ensuring adherence to the accounting policies and guidelines approved by the Director of Resources.

A7 ACCOUNTING RECORDS AND RETURNS

59. Maintaining proper accounting records is one of the ways in which the Council discharges its responsibility for stewardship of public resources.
60. The accounting records shall be sufficient to show and explain the Council's transactions and shall be such as to disclose with reasonable accuracy at any time the financial position and to enable the Director of Resources to ensure that any balance sheet, statement of accounts, statement of balances or record of receipt and payments, as the case may be, complies with the Local Authority Accounting regulations.
61. The accounting records determined by the Director of Resources shall contain:
- entries from day to day of all sums of money received and expended by the Council and the matters to which the income and expenditure relates.
 - a record of the assets and liabilities of the Council; and
 - a record of income and expenditure in relation to claims made, or to be made, by them for contribution, grant or subsidy.
62. The accounting control systems determined by the Director of Resources shall include:
- measures to ensure that the financial transactions of the Council are recorded as accurately and promptly as possible,
 - measures to enable the prevention and detection of inaccuracies and fraud,

- the ability to reconstitute any lost records,
 - identification of the duties of all officers dealing with financial transactions and division of responsibilities in relation to significant transactions,
 - procedures for uncollected amounts, including the writing off of unrecoverable debts
63. Directors and Heads of Service must consult and obtain the approval of the Director of Resources before making any changes to accounting records and procedures.

A8 STATEMENT OF ACCOUNTS

64. The Council has a statutory responsibility to prepare annual accounts to present a true and fair view of the financial position of the Council. The Audit Committee has delegated authority for approving the annual Statement of Accounts.
65. The Director of Resources is responsible for
- selecting suitable accounting policies and to apply them consistently =
 - making judgements and estimates which are reasonable and prudent
 - complying with Codes of Practice
 - signing and dating the Statement of Accounts
 - drawing up the timetable for final accounts preparation and to advise staff and external auditors accordingly
 - presenting the Statement of Accounts to Members with appropriate interpretation and highlighting of key issues
66. Directors / Heads of Service are responsible for complying with accounting guidance issued by the Director of Resources and for supplying information when required.

B FINANCIAL PLANNING

Why is this important?

Full Council is responsible for approving, adopting and amending the Council's Budget and Policy Framework. In terms of Financial Planning, the key elements are:

- Medium Term Financial Plan
- Revenue Budget
- Capital Programme (including the Repairs & Renewals Programme operated at Chiltern District Council)

B1 MEDIUM TERM FINANCIAL PLAN

67. The Council is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable resources to be allocated in accordance with priorities and objectives.
68. It is good practice to maintain and publish medium term business plans that cover a three to five year period. The purpose of these plans is to explain overall priorities and objectives, current performance, proposals for further improvement and to demonstrate value for money.
69. The Director of Resources will present a Medium Term Financial Plan (MTFP) to the Cabinet, taking into account any other matters he/she considers relevant to the financial position of the Council. The MTFP will be prepared and updated on a regular basis (at least annually) and will set out the consequences of the proposed strategy on Council Tax levels. The Cabinet is responsible for proposing the MTFP to full Council on the advice of the Director of Resources.

B2 REVENUE BUDGET

70. The Director of Resources will determine the detailed format and method of preparation of the Revenue Budget and ensure compliance with local authority accounting requirements.
71. Heads of Service and Budget Managers will be provided with a budget timetable and budget guidance notes to enable the annual budget to be completed by the statutory deadline. The guidance will set out the responsibilities for the completion of the budget estimates.
72. As part of the annual revenue budget process all fees and charges for goods and services supplied by the Council will be reviewed. The Director of Resources will provide a summary of proposed fees and charges for Cabinet approval as part of the annual revenue budget report.
73. Estimates of income and expenditure on each account code within each cost centre heading will be prepared by Budget Managers in consultation with the Director of Resources. The estimates will take account of the Council's key corporate objectives and individual service plans.
74. The Head of Finance will collate the overall estimates for consideration by the Senior Management Team. The Revenue Budget will be submitted to the Cabinet by the Director of Resources together with his/her report.
75. The Cabinet will consider the Revenue Budget and will make such amendments as they consider desirable before recommending the budget for approval by full

Council. At the same time, the Cabinet will recommend the Council's Council Tax Requirement to the full Council for determination.

76. At any point in the budget preparation process the Performance and Resources Overview Committee (at Chiltern) or Overview and Scrutiny Committee (at South Bucks) may request the Revenue Budget for review purposes.
77. Approval of revenue budgets will give authority to Directors and Heads of Service to commit their budgets, subject to Financial Procedure Rules and Contract Procedure Rules being complied with, to achieve the Council's key objectives.
78. Any carry forward of Revenue budgets must be approved by the Cabinet.

B3 CAPITAL PROGRAMME AND REPAIRS & RENEWALS

79. Capital expenditure involves acquiring or enhancing fixed assets with a long term value such as land, buildings and major items of plant, equipments and vehicles.
80. The Director of Resources will determine the detailed format and method of preparation of the Capital Programme and Repairs & Renewals Programme.

Note – the Repairs & Renewals Programme is relevant for Chiltern District Council only

81. Budget Managers will submit Capital Programme bids and Repairs & Renewal Fund Programme bids to the Head of Finance on an annual basis. The bids will take account of the Council's key corporate objectives and individual service plans. Guidance notes on the annual Capital Programme and Repairs & Renewals Fund Programme review process will be provided to Budget Managers by the Head of Finance.
82. The overall programmes will be collated by the Head of Finance and submitted to the Senior Management Team for consideration. The programmes will be submitted to the Cabinet by the Director of Resources together with his/her report.
83. The Cabinet will consider the Capital Programme and Repairs & Renewals Programme and will make such amendments as they consider desirable before recommending the programmes for approval by full Council.
84. Inclusion of a scheme in the Capital Programme does not automatically provide authority to incur capital expenditure other than staff development time. The Head of Finance will provide Heads of Service and Budget Managers with Capital Programme guidance and procedures that outline the processes that must be followed for implementation of capital schemes.
85. Any carry forward of Capital or Repairs & Renewals budgets must be approved by the Cabinet.

B4 BUDGET MONITORING AND CONTROL

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

87. By continuously identifying and explaining variances against budgetary targets, the Council can identify changes in trends and resource requirements at the earliest opportunity.
88. Directors/Heads of Service are responsible for the control of income and expenditure within their area and for monitoring performance throughout the financial year. They are expected to control their budgets so that they achieve the Council's key objectives without overspending.
89. Each Director/Head of Service will approve a scheme of delegation of budgets to named officers such that there is a nominated budget holder for each cost centre budget. The scheme of delegation will be notified to the Head of Finance. Each budget manager will be accountable to their Director/Head of Service for controlling their budgets and for complying with these Financial Procedure Rules.
90. The Director of Resources is responsible for providing appropriate financial information to enable budgets to be effectively monitored. Such information to be in the form and at the frequency agreed (normally monthly).
91. Income and expenditure must be controlled and monitored and the overall position on key areas reported to the Senior Management Team and the Cabinet.
92. Before incurring expenditure, each Director/Head of Service must ensure that adequate provision exists within approved budgets.

B5 MAINTENANCE OF RESERVES

93. Under the Local Government Act 2003 the Director of Resources, as the Council's Section 151 Officer, must advise the Cabinets and/or Councils on prudent levels of reserves and balances.
94. The Director of Resources will prepare, keep under review and present to Cabinet a policy on the Council's reserves and balances that provides an explanation of the purpose, usage and control of each individual reserve, together with a recommended minimum to be maintained.

C RISK MANAGEMENT AND CONTROL OF RESOURCES

Why is this important?

All organisations, whether public or private sector, face risks to people, property and continued operations. Risk is the chance or possibility of loss, damage, injury or failure to achieve objectives caused by an unwanted or uncertain action or event. Risk management is the planned and systematic approach to the identification, evaluation and control of risk. Its objectives are to secure the assets of the organisation and to ensure the continued financial and organisational well-being of the organisation. In essence it is, therefore, an integral part of good business practice. Risk management is concerned with evaluating the measures an organisation already has in place to manage identified risks and then recommending the action the organisation needs to take to control these risks effectively.

C1 RISK MANAGEMENT

95. The Cabinet is responsible for approving the Council's Risk Management Strategy, for reviewing the effectiveness of the Council's risk management practices and promoting a culture of risk management awareness throughout the Council.
96. The Director of Resources is responsible for preparing and promoting the Council's Risk Management Policy and Strategy and for ensuring that there is proper management and control of risk throughout the Council.
97. The Senior Management Team is responsible for ensuring that strategic risks to the Council are regularly identified and managed.
98. Directors/Heads of Service are responsible for ensuring that operational risks to their areas of business are identified and managed in accordance with guidance issued by the Director of Resources and for ensuring that an Operational Risk Register for service areas within their control is maintained and reviewed on a regular basis.
99. Directors/Heads of Service are responsible for ensuring that operational risks are assessed in their Service Plans.
100. The Risk Management Group is responsible for reviewing risk and business continuity arrangements. This group will regularly report to the Senior Management Team.
101. All staff are responsible for being aware of and reporting any new risks to their line manager or Head of Service as they become aware of them

C2 INSURANCE

102. The Cabinet is responsible for ensuring that proper insurance cover exists where appropriate, either through external insurance or internal funding.
103. The Director of Resources is responsible for advising the Cabinet on proper insurance cover or alternative arrangements.
104. The Director of Resources will arrange all insurance cover on behalf of the Council and will negotiate claims in conjunction with other officers where necessary.

105. Each Director/Head of Service will give immediate notification to the Head of Finance of the extent and nature of all new risks or assets that require to be insured and of any alterations affecting existing insurances.
106. Each Director/Head of Service will, within two working days, notify the Head of Finance in writing using the appropriate form of any loss, liability or damage or any event likely to lead to a claim. In cases of urgency the Director/Head of Service will report verbally pending submission of a written report.
107. All employees and volunteers of the Council will be included in suitable fidelity guarantee insurance.
108. The Director of Resources will annually, or at such other lesser period as he/she may consider necessary, review all insurances in consultation with other Directors/Heads of Service as appropriate.
109. The value of equipment insured by the Council's insurers (based on a percentage of the valuation of the building) to be established and reviewed to ensure it accurately reflects the value of equipment held.
110. Directors/Heads of Service will consult the Director of Resources regarding the terms of any indemnity which the Council is requested to give.

C3 INTERNAL CONTROL

111. Internal control refers to the system of control devised by management to help ensure the Council's objectives are achieved in a manner that promotes economic, efficient and effective use of resources and that the Council's assets and interests are safeguarded.
112. The Council faces a wide range of financial, administrative and commercial risks, both from internal and external factors, which threaten the achievement of its objectives. Internal controls are necessary to manage these risks.
113. The Director of Resources is responsible for advising on effective systems of internal control. The arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently and in accordance with statutory and other authorities that govern their use.
114. The Director of Resources is also responsible for ensuring that an effective Internal Audit function is properly resourced and operates in accordance with recognised auditing guidelines.
115. Directors/Heads of Service are responsible for establishing sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets. This should include detailed and up to date systems procedure notes, where relevant. All procedure notes should be reviewed at least annually and the date of review shown on the procedure notes.
116. The Director of Resources is responsible for producing an Annual Governance Statement which will include a review of the effectiveness of the Council's internal control arrangements. This must be submitted to the Audit Committee for comment and review and then approved by the Leader and Chief Executive.

C4 INTERNAL AUDIT

117. The Accounts and Audit Regulations require every local authority to maintain an adequate and effective system of internal audit of their accounting records and control systems.
118. The Director of Resources is responsible for maintaining an adequate and effective system of Internal Audit of its accounting records and of its system of internal control in accordance with proper internal audit practices.
119. Internal Audit is an assurance function that provides an independent and objective opinion to the Council on the degree to which the internal control environment supports and promotes the achievement of the Council's objectives. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.
120. The Director of Resources and any officer to whom he/she has delegated the duty of Internal Audit shall be responsible for the appraisal of all the Council's activities.
121. The Director of Resources or his/her authorised representative shall have authority to:
- enter at all reasonable times on any premises or land owned by or under the control of the Council.
 - have access to all records, documents and correspondence, computerised or manual relating to any financial and other control systems or transactions of the Council.
 - require and receive such information and explanation considered necessary concerning any matter under examination.
 - require any employee of the Council to produce cash, stores or any other property of the Council under his/her control.
 - apply any test or check deemed necessary to the accounts, cash, securities or other property and records that relate in any way to the financial or other systems of the Council; and
 - access records belonging to third parties, such as contractors whenever appropriate.
122. The Internal Audit Manager will normally report to the Head of Finance. If due to the nature of the audit this is inappropriate, the Internal Audit Manager shall have authority to report directly to the Chief Executive and/or the Chairman of the Council or the Leader of the Cabinet.
123. The existence of Internal Audit shall in no way diminish the functions powers and responsibilities of Directors/Heads of Service for the management of the services under their control. In particular their responsibility for accountability for security, custody and control of all resources, including staff, plant, buildings, materials, cash and stores placed under their control.
124. Directors/Heads of Service are responsible for ensuring that Internal Audit are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.

125. Directors/Heads of Service are responsible for ensuring that Internal Audit is provided with any information and explanations that they seek in the course of their work.
126. Directors/Heads of Service are responsible for immediately notifying the Director of Resources of any suspected fraud, theft, irregularity, improper use or misappropriation of the Council's property or resources. Pending investigation and reporting, the Director/Head of Service should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
127. The Internal Audit Manager shall report to the appropriate level of management on all matters which he/she considers significant arising out of Internal Audit appraisals giving recommendation(s) for improvement wherever necessary or possible.
128. Directors/Heads of Service are responsible for considering and responding promptly to recommendations in audit reports and ensuring that agreed actions from recommendations are carried out in a timely and efficient manner.
129. Internal Audit will report regularly to the Senior Management Team and to the Audit Committee on Internal Audit work, including management's response to Internal Audit recommendations.

C5 EXTERNAL AUDIT

130. The Director of Resources will ensure that the Appointed Auditor is given access at all times to premises, personnel, documents and assets that he/she considers necessary for the purposes of their work. The Director of Resources will also ensure there is effective liaison between external and internal audit.

C6 PREVENTING FRAUD AND CORRUPTION

131. The Council will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the Council.
132. The Council's expectation of propriety and accountability is that all Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
133. The Director of Resources is responsible for maintaining an Anti-Fraud and Anti-Corruption Policy Statement which details the culture of the Council in relation to fraud and corruption.
134. The Council also has a Whistle Blowing Policy, listing officers who can be contacted to report any suspicious matter, and a Benefit Fraud Prosecution Strategy.
135. Irregularities are broadly of four types, the first two being criminal offences:
 - theft, which includes fraud which is typically taken to mean theft involving deception.
 - bribery and corruption.
 - failure to observe the Council's Standing Orders, Financial Procedure Rules, Contract Procedure Rules and breaches of other Council Policies and Codes of Conduct etc. issued.

- errors and omissions which lead to a loss to the Council.
136. Whenever a fraud or irregularity is discovered or is suspected to exist concerning cash, property, stores or other matters involving the Council's interests, it shall be the duty of the officer concerned to immediately inform his or her Director/Head of Service or line manager. The officer contacted shall, in turn and as soon as practically possible, advise and consult either the Director of Resources or the Chief Executive, and in every case the Internal Audit Manager.
 137. All Directors/Heads of Service shall notify the Internal Audit Manager of all anonymous notifications of fraud or irregularity either suspected or actual.
 138. Directors / Heads of Service will if appropriate instigate the Council's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour by an employee.
 139. The Chief Executive or the Director of Resources shall decide whether the matter shall be referred to the police for investigation. The Chief Executive or the Director of Resources shall report to the Leader of the Cabinet or appropriate Committee if required.

Money Laundering

140. The Council's Director of Resources is the appointed Money Laundering Reporting Officer (MLRO). There is a maximum limit of £2,000 on the acceptance of cash payments; in exceptional circumstances this limit can be exceeded with the prior approval of the MLRO.
141. The Council is alert to the possibility that it may become the subject of an attempt to involve it in a transaction involving the laundering of money. It is the duty of all officers who suspect that a money laundering activity may be taking place to report it immediately to the Director of Resources. Individuals are personally responsible for referring suspicions and can be fined for non-compliance.
142. Any disclosures about money laundering activity should be reported to the Money Laundering Reporting Officer or his/her nominated representative.

C7 SECURITY OF ASSETS

143. The Council holds assets in the form of property, equipment, vehicles and other items worth many millions of pounds. It is important that assets are safeguarded and used efficiently in service delivery, and that there are arrangements for the security of both assets and information required for service operations.
144. Directors/Heads of Service should ensure that records and assets under their control are properly maintained and securely held.
145. Directors/Heads of Service are responsible for ensuring the maximum limit for cash holdings in accordance with insurance and safe limits is not exceeded, except with the express permission of the Director of Resources.
146. Directors/Heads of Service should ensure that all assets under their control are, as far as is practicable, effectively marked as Council property.
147. The Council's assets will not be removed or used otherwise than in the course of the Council's business except in accordance with specific instructions issued by the Director/Head of Service concerned.

148. All Members and staff have a general responsibility for taking reasonable action to provide for the security of the assets under their control and for ensuring that the use of these resources is legal, is properly authorised and provides value for money.
149. It will be the responsibility of each Director/Head of Service to make adequate arrangements for the security of monies whilst in their custody, such arrangements to be the subject of approval by the Director of Resources
150. Keys to safes and other cash receptacles must be securely held at all times.
151. Building access keys must be securely held at all times.
152. The Director of Resources is responsible for ensuring that proper security and privacy arrangements are applied in respect of all information held on the Council's computer installations and that information is used in accordance with Data Protection and other relevant information. He/she shall also ensure that effective contingency plans, disaster recovery and back-up procedures are in place to enable information systems to resume speedily in the event of interruption. Any such plans should be tested on a regular basis.
153. Directors/Heads of Service should ensure that all visitors to any Council buildings or sites, except public areas, are signed in and wear authorised identification. They should also ensure that any visitors are adequately supervised to ensure confidentiality of information and security of Council assets at all times.

Information and Communication Technology (ICT) Security

154. The Head of Business Support is responsible for policies in relation to the security of ICT equipment and for the issuing of Network and PC Standards.
155. The Head of Business Support is responsible for the application of policy, instructions and good practice in respect of corporate servers and distributed systems (networks).
156. Directors/Heads of Service are responsible for ensuring that policies and instructions are made known to all members of staff.

C8 INTELLECTUAL PROPERTY

157. Intellectual property is a generic term that includes inventions and writing. If these are created by an employee during the course of employment then, as a general rule, they belong to the employer, not the employee.
158. Certain activities undertaken with the Council may give rise to items that may be patentable e.g. software development. These items are also regarded as intellectual property.
159. In the event that the Council decides to become involved in the commercial exploitation of inventions the matter should proceed in accordance with the advice and guidance of the Director of Resources.
160. Directors and Heads of Service should ensure that controls are in place to ensure that staff do not carry out private work in Council time and that staff are aware of an employer's rights with regard to intellectual property.

C9 INVENTORIES**Equipment**

161. The Council will maintain an inventory of all equipment (excluding ICT related equipment) with a replacement value above £1,500.
162. Each Director / Head of Service is responsible for maintaining an annual check of all items allocated to their areas and for taking action in relation to any surpluses or deficiencies, to include informing the Director of Resources.
163. All Information and Communication Technology and equipment will be recorded on an inventory held by the Head of Business Support and should include all servers, scanners, PCs, laptops, PDAs and any other equipment.
164. For 'mobile' equipment (i.e. equipment that is not always kept in the office) such as PDAs, mobile phones and laptops the register will include the name of the officer to whom the equipment has been allocated.

Land and Property

165. A property database will be maintained by the Director of Services detailing all properties, including land, owned by the Council. The database will record, the purpose for which the property is held, its location, extent and plan reference, purchase details, particulars of nature of interest and rents receivable and particulars of leases and licences granted.
166. The Head of Finance will keep an Asset Register for capital accounting purposes. The register will be reviewed and updated on an annual basis. A review of asset values will be carried out at least every five years by an independent valuer.
167. Directors and Heads of Service are responsible for immediately notifying any amendments, deletions or additions to the Asset Register to the Head of Finance.
168. The Head of Legal & Democratic Services will keep all title deeds securely.
169. The Director of Services will maintain a Corporate Asset Management Plan to ensure that efficient, effective and sustainable use is made of the Council's land and buildings and that a co-ordinated approach to asset management is achieved across the authority.
170. Any contract relating to the purchase or disposal of any land or property or an interest in land or property will be in writing in a form agreed by the Head of Legal Services & Democratic Services.
171. The Head of Finance must be consulted in advance of any contractual agreement being entered into by the Council in order to ensure that any VAT liability has been properly assessed and tax planning implications taken into account.
172. The Director of Services will be responsible for the granting of licences and easements and for determining rent levels.
173. The Head of Business Support is responsible for co-ordinating the maintenance of the Council's Geographical Information System and Local Land and Property Gazetteer.

C10 ASSET DISPOSAL**Stock, Stores and Equipment**

174. Equipment, stock and stores will be disposed of in accordance with the following procedure:

Under £10,000

- Sale of surplus stock and equipment with an estimated value up to £10,000 to be approved by a Director/Head of Service at the best price available (Head of Finance to be advised).
- Write off of stock and equipment with an estimated value up to £10,000 to be approved by a Director/Head of Service (Head of Finance to be advised).

Over £10,000

- Sale of surplus stock and equipment with an estimated value above £10,000 – Director of Resources to approve the method of sale.
- Write off of stock and equipment with an estimated value above £10,000 – Director of Resources to approve write off.

Land and Property

175. Any proposal to lease or sell land, buildings or other permanent assets will be the subject of a report to Cabinet by the appropriate Officer in consultation with the Director of Resources.

C11 TREASURY MANAGEMENT

176. Many millions of pounds pass through the Council's books each year. Procedures have been put in place to provide assurance that the Council's money is properly managed in a way that balances risk with return, but with the overriding consideration being given to the security of the Council's capital sum.
177. The Council has adopted and complies with CIPFA's "Code of Practice on Treasury Management in the Public Sector".
178. The Director of Resources is responsible for reporting to Cabinet on an annual basis a proposed Treasury Management Strategy for the coming financial year at or before the start of each financial year.
179. The Treasury Management Strategy and a Treasury Policy Statement is approved by the full Council.
180. The Director of Resources has responsibility for the implementation and monitoring of the Treasury Management Strategy.
181. The Director of Resources will report to Cabinet at least twice in each financial year on the activities of the treasury management operation and on the exercise of delegated treasury management powers. One such report will comprise an annual report on treasury management for presentation by 30 September of the succeeding financial year.
182. Working procedures are detailed in the Treasury Management Practices document.

C12 STAFFING

183. The Director of Resources will advise Members and Officers on areas such as National Insurance and Pension Scheme contributions as appropriate.
184. Directors and Heads of Service are responsible for the management of staffing budgets by:
- adjusting the staffing numbers to that which can be funded within the approved budget provision
 - the proper use of appointment procedures
 - monitoring staff activity to ensure adequate control over such costs as sickness, overtime, training, temporary and agency staff
 - ensuring that the staffing budget is not exceeded unless the necessary additional ongoing funding is available and the agreement of the Senior Management Team is obtained as required.
 - ensuring compliance with taxation and contract requirements for contractors and employees. Remuneration of employees must be paid through the authorised payroll system.

D FINANCIAL SYSTEMS AND PROCEDURES

Why is this important?

Sound systems and procedures are essential to an effective framework of accountability and control. Information must be accurate, reconciled and controlled to ensure that transactions are promptly processed and errors detected promptly.

D1 GENERAL PROCEDURES

185. All accounting procedures and financial records shall be determined by the Director of Resources.
186. The following principles shall be observed in the allocation of accounting duties:
- The duties of providing information regarding sums due to or from the Council and of calculating, checking and recording these sums, shall be separated as completely as possible from the duty of collecting or disbursing them.
 - Officers charged with the duty of examining and checking the accounts of cash transactions shall not themselves be engaged in any of these transactions.

D2 BANKING ARRANGEMENTS

187. All banking arrangements with the Council's bankers will be made by, or under arrangements approved by, the Director of Resources.
188. All pre-printed cheques will be ordered only on the authority of the Director of Resources who will make proper arrangements for their control, safe custody and issue.
189. All computer prepared cheques will bear the facsimile signature of the Director of Resources. All cheques of:
- CDC £10,000 and over
SBDC £20,000 and over
- will also bear the manuscript of an authorised signatory.
190. All cheques drawn manually will be signed by the Director or Resources or other authorised signatory. All manual cheques of £20,000 and over will also bear the manuscript signature of a second, different authorised signatory
191. All other payments of £20,000 and over e.g. by BACS, will bear the manuscript signature of the Director of Resources, or an officer authorised by the Director of Resources, on the payment documentation.
192. No officer will make arrangements for recurrent payments to be made by Direct Debit or Standing Order without the prior approval of the Head of Finance.
193. Income will be banked in accordance with procedures agreed by the Head of Finance and the Council's bankers. Income will be transferred by security carrier to cash and cheque processing centres nominated by the Council's bankers.

Corporate Purchasing Cards

194. Directors or Heads of Service to make written requests to the Head of Finance for all new corporate purchasing cards.
195. The Director of Resources to formally authorise all new corporate purchasing cards.
196. The Director of Resources will authorise transaction limits and card limits These limits apply to the individual for the purposes of card spend only and are independent of the authorised signatory limits.
197. Corporate purchasing cards will be issued and monitored by specified staff within the Finance Team.
198. Corporate purchasing cards are only to be used for Council business.
199. Staff must ensure corporate purchasing cards are securely held at all times. See Corporate Purchasing Card Procedures for details of purchasing, reconciliation, contact names and notification of lost or stolen cards etc.

D3 IMPREST ACCOUNTS / FLOATS

200. Payments made from an Imprest Account will be limited to minor items of expenditure and to such other items as the Head of Finance may approve and must be supported by a receipt.
Note: Imprest Accounts in operation at South Bucks District Council only
201. All requests for new or increased cash floats to be authorised by the relevant Director or Head of Service and submitted to the Head of Finance stating the need for the float, the amount required and the officer responsible for the float.
202. All cash floats must be securely held and must be regularly checked to ensure all cash is accounted for. Any cash discrepancies must be immediately reported to the Head of Finance. Internal Audit will be responsible for carrying out a year end check on any significant cash floats.
203. The cash takings held by the Customer Services may be used in exceptional circumstances, subject to the approval of the Director of Resources or Head of Finance, to cash Council drawn cheques. These will include any Council drawn cheques authorised to 'pay cash'. For all such transactions a specified form must be completed and authorised by a Head of Service or Senior Revenues Manager (for Housing Benefit cheques only). Customer Services staff must check the customer's identity and obtain a signature (on the specified form) to acknowledge receipt of the cash paid out. The cheque can then be substituted for the cash and banked.
204. No income received on behalf of the Council may be paid into a petty cash account or float but must be banked in accordance with procedures provided elsewhere in these rules.

D4 INCOME

Accounting for income

205. Income can be a vulnerable asset and effective income collection systems are essential to ensure that all revenues due to the Council are collected. It is important that all income due is properly identified, collected, receipted, banked and recorded in the financial accounting system.

206. The Director of Resources is responsible for authorising arrangements for the collection of all income due to the Council and for approving the procedures, systems and documentation used for its collection.
207. All income related special stationery i.e. invoices, invoice requests, receipt forms, tickets, books, license forms etc will be ordered and supplied in accordance with arrangements approved by the Head of Finance.
208. The Director of Resources, or nominated representative, is responsible for establishing and initiating appropriate recovery procedures, including legal and bailiff action where necessary, for debts that are not paid promptly.

Cheque and cash handling procedures

209. All money received by an officer on behalf of the Council must be processed on the day of receipt and banked within one working day unless otherwise agreed by the Director of Resources / Head of Finance.
210. No deduction may be made from such money unless specifically authorised by the Director of Resources / Head of Finance.
211. Every officer with responsibility for the collection and/or receipt of income by cash or cheque shall ensure that a timely reconciliation is conducted to ensure the completeness and accuracy of monies received and the appropriate action taken to correct any errors/omissions.
212. Post dated cheques within a reasonable time frame will be accepted. They must be recorded, held securely and banked on the due date. The relevant department should be informed in order that any recovery procedures may be suspended.
213. Each officer who banks money will enter on the paying-in slip a reference to the related debt (such as the receipt number or the name of the debtor), or otherwise indicate the origin of the cheque. The reverse of each cheque must be endorsed with the receipt or reference number of the related debt.
214. Under no circumstances should personal cheques belonging to staff be cashed out of money held on behalf of the Council.
215. Every transfer of Council money from one member of staff to another must be evidenced in the records of the departments concerned by the signature of the receiving officer unless alternative arrangements are authorised in writing by the Director of Resources / Head of Finance.

Charging and Invoicing

216. Directors / Heads of Service will be responsible for ensuring that all charges made for goods and services falling within their control, apart from those charges fixed on a statutory or nationally agreed basis, are reviewed at least annually and that all proposals for new charges and changes in charges are in accordance with the Council's Charging Policy.
217. Directors / Heads of Service should ensure that wherever possible income is obtained in advance of supplying goods and services as this improves the Council's cashflow and also avoids the time and costs of administering debts.

218. Officers will inform the Finance Team on a timely basis of particulars of all charges to be made in connection with work done, goods supplied, or services rendered to ensure the prompt raising of accounts.
219. The Finance Team must be notified of all money due to the Council including contracts, leases and other agreements.
220. In normal circumstances a debtor's invoice will not be raised where the invoice value is less than £10. This is because the administrative cost of raising the invoice would be greater than the value to be invoiced. Any exceptions to this rule should be with the agreement of the Director of Resources / Head of Finance.

Bad Debts and Write Offs

221. An impairment provision for bad debts will be provided where it is deemed appropriate by the Director of Resources / Head of Finance.
222. The financial limits applying to the write off of all irrecoverable debts in circumstances where recovery of the sum is unlikely to be achieved or where proceeding are inappropriate or unjustified, will be as follows:

Up to £150	The Parking Manager has the power to write off irrecoverable penalty charge notices up to £150.
Up to £1,000	The Head of Finance has the power to write off irrecoverable debt up to £1,000.
Up to £10,000	The Director of Resources has the power to write off irrecoverable debts up to the value of £10,000. The Head of Customer Services has the power to write off irrecoverable Council Tax debts, Non Domestic Rates debts and Housing Benefit / Council Tax Support Overpayments up to the value of £10,000.
Over £10,000	The Cabinet has the power to write off irrecoverable debts over £10,000.

223. The Head of Finance will keep a register of all such irrecoverable debts.

Card payments and regulatory requirements

224. All payments received over the Internet shall be timely processed and reconciled in accordance with arrangements approved by the Director of Resources.
225. All documentation in respect of credit and debit card income should be processed by the next working day unless otherwise agreed to in writing by the Director of Resources / Head of Finance
226. The processing of card payments must comply with Payment Card Industry Data Security Standards (PCIDSS) and other relevant legislation. The following criteria must be adhered to in order to meet these requirements:
- Retention periods for card holder data must be specified
 - Arrangements for the secure disposal of card holder data must be in place

- Card holder details should not be written down or recorded in any format
- Customers must be notified of the charge to be levied for the use of credit cards in advance of making payment.

Waiving of a Charge

227. The Council will set its charges annually and these must be applied in all cases. Any variation or waiver of a charge must be approved by the relevant Director / Head of Service.
228. Card charges may be waived where they have been incorrectly applied.
229. Penalty Charge Notices issued to staff or Members may be waived only on the authority of the Chief Executive.

Policy for charging interest on late payment of debts

230. The Late Payment of Commercial Debts Regulations 2002 allows the Council to claim interest and compensation on commercial debts (this excludes Business Rates) which are paid late. The legislation applies to debts with commercial organisations only; the Council cannot charge interest on a debt with an individual.
231. It will be at the Head of Finance's discretion to decide whether to apply the late payment legislation on a case by case basis, it is not compulsory to charge interest on all late payments. As a general rule, we would not expect to charge interest on debts under £500, as the administrative cost of raising the invoice for interest may be greater than the value of the interest claimed. However, there may be circumstances where it would be appropriate to charge interest, even if the debt is of low value. For example, if there was a very old debt of lower value it may be appropriate to charge interest.

D5 ORDERING WORKS, GOODS AND SERVICES

Requisitions and Orders

232. Directors and Heads of Service are responsible for the requisitioning and ordering of all works, goods and services within their areas of responsibility in accordance with procedures laid down by the Director of Resources. The only exception to this is in relation to Information and Communication Technology related expenditure (see 12 and 13 below for further information on this).
233. No expenditure shall be authorised or incurred unless the cost is covered by an approved budget, a virement or is rechargeable to a third party.
234. Only officers authorised by their Director and/or Head of Service may requisition or order works, goods or services and commit expenditure on behalf of the Council.
235. The form, requisition, custody and issue of all order documentation will be subject to the approval of the Director of Resources, including arrangements for submission of orders by electronic means.
236. Directors/Heads of Service will take account of the Council's Procurement Strategy and procedures whenever requisitioning / ordering works, goods or services.

237. Directors/Heads of Service will ensure that Contract Procedure Rules are complied with in respect of all requisitions / orders for works, goods or services.
238. An official order must be despatched to a supplier (see 8 below for a list of exceptions to the raising of official orders). When appropriate where works, goods or services have been ordered via the telephone or internet and where no immediate payment is made a confirmation order should be issued and clearly marked as a confirmation order.
239. The following is a list of types of expenditure where there is no formal requirement to raise an official order The Head of Finance should be consulted for the approval of any additional type of expenditure:
- Contract payments
 - Supplies of public utility services
 - Telephone bills
 - Periodical payments such as rent, rates or leases
 - Business Rates bills
 - Refunds
 - Housing Benefit Payments
 - Appointing or commissioning of an external legal firm or specialist consultants (a brief or letter should be sent detailing verbal agreements made)
 - Regular subscriptions
 - Courses, seminars or conference fees (where payment is sent with the booking form)
 - Land registry fees and stamp duty (where payment is required with the application)
 - Court fees (where payment is required with the papers)
 - Grant payments
 - Payments for Homelessness Accommodation
 - Purchases made by Corporate Purchasing Card
 - Very low value orders (eg under £1,000)
240. Before entering into any contract hire, finance or operating lease or lease – rental agreement, Directors / Heads of Service will consult with the Director of Resources / Head of Finance to ensure that the arrangement is financially advantageous to the Council. Any such agreements will be signed by the Director of Resources / Head of Finance.
241. A copy of all requisitions and orders must be retained in accordance with the Information Management retention guidelines.
242. No personal acquisitions must be made using official orders.

Acquisition of Information and Communication Technology (ICT) Hardware and Software

243. All ICT equipment must be either purchased or leased through ICT. This equipment includes all hardware, phones, PDAs, memory sticks, cameras and any other removable devices. Users should consult with ICT prior to any removable devices or other ICT equipment being purchased or used.
244. The ICT section must hold all original software and license documentation. The license will then be added to the asset register held in ICT. All software must be purchased or leased through ICT.

D6 PAYMENT OF ACCOUNTS

245. The Director of Resources is responsible for the payment of all invoices and accounts and for determining appropriate procedures for the payment of accounts.
246. All invoices or accounts must be examined, verified and certified by an authorised officer before being released in the financial system for payment. Certification means that the authorised officer is satisfied that :-
- the works, goods or services have been satisfactorily received or carried out as per instructions.
 - the charges are in accordance with quotations or contracts and are arithmetically correct.
 - all appropriate discounts, allowances and credits have been claimed.
 - the account has not previously been certified and approved for payment.
 - appropriate entries have been made in the inventories and stock records where necessary.
 - any VAT element of the payment has been correctly identified.
 - the expenditure has been properly ordered, authorised or incurred and is within the relevant budget provision and has been charged to the correct expenditure code.
247. Directors and Heads of Service are authorised to approve payments up to an agreed authorisation limit. Any exceptions to this rule must be approved by the Director of Resources and specified on the Authorised Signatory List:
248. When an invoice or account is found to be incorrect it must not be amended or altered in any way as any alteration will result in the account being invalid for the purposes of VAT requirements. If there is a discrepancy this should be referred to the creditor to either re-issue the invoice or supply a credit note.
249. Photocopied or faxed copies of original invoices are not acceptable. Payment on a copy invoice will only be made in exceptional circumstances and only after all necessary checks to avoid duplicate payment have been made. Any such exceptional payments must be clearly marked and the action taken approved by an authorised officer.
250. Under no circumstances should payment be made on a supplier's statement.
251. Where payment is required to be made on a pro-forma invoice no VAT should be recovered until a VAT receipt/invoice has been received and passed to the Finance Team.
252. Each Director/Head of Service will ensure that certified invoices and accounts are input promptly into the financial system in accordance with arrangements approved by the Director of Resources.
253. The Finance Team will examine, so far as considered necessary, certified accounts passed for payment and will be entitled to receive such information and explanations as may be required.

254. Payments will be made by the Finance Team promptly and directly to the supplier concerned unless in exceptional circumstances the Director of Resources / Head of Finance agrees alternative arrangements.
255. Certified invoices and accounts due for payment but which require payment in advance of the normal processing date may, in exceptional circumstances, be processed through the urgent payment system with the approval of the Director of Resources / Head of Finance.
256. The default payment method will be BACS transfer, any other payments will be made by cheque or other instrument drawn on the Council's bank account
257. Any direct debit payment arrangements must be approved by the Director of Resources/Head of Finance prior to acceptance and all direct debit mandates must be signed by an authorised cheque signatory.
258. By exception only a standing order arrangement may be established after approval by the Director of Resources / Head of Finance.

D7 PAYMENTS TO EMPLOYEES AND MEMBERS

259. The Director of Resources is responsible for payment of salaries and all other forms of remuneration to employees and for payment of allowances to Members.

Salaries

260. Each Director/Head of Service will inform the Personnel Team, who will in turn be responsible for notifying the Finance Team as soon as possible and in such form prescribed, of all matters affecting the payment of salaries and other remuneration to employees, in particular:
 - Appointments, resignations, dismissals, suspensions, secondments and transfers.
 - Absences from duty for sickness or other reason, apart from approved leave.
 - Changes in remuneration, other than normal increments and pay awards.
 - Information necessary to maintain records of service e.g. for pension, income tax and national insurance.
261. The appointment of all employees must be in accordance with the policies and procedures of the Council and with regard to the approved establishments, grades and rates of pay.
262. All time records or other pay documents will be in a form prescribed or approved by the Director of Resources and must be certified by an authorised officer. All documents must be submitted by the specified day of the month (or a date to be determined by the Director of Resources).
263. Each Director / Head of Service, in conjunction with the Personnel Team, will be responsible for the observance of the terms and conditions of employment.
264. Directors / Heads of Service will control the level of paid overtime within the approved budgetary provision.

Car Loans

265. The arrangements for the administering of staff car loans must be approved by the Director of Resources. Individual car loan applications will be authorised by the Director of Resources.

Members Allowances

266. Members' allowances will be paid in accordance with the Council's approved scheme. (See below for Members' expense claims).

Travelling, Subsistence and other expenses

267. All expense claims (including car allowances, subsistence, disturbance, travelling and other expenses) will be paid by the Finance Team upon timely receipt of the prescribed form. All claims must be submitted by the specified date (or a date to be determined by the Director of Resources) in the month immediately following the date on which the expense was incurred.
268. Members' expense claims for travelling or other allowances will be paid by the Finance Team and must be submitted on a prescribed form with relevant receipts attached. Claims must be made within two months of the date on which the duty was undertaken.
269. An authorised officer must certify all expense claims.
270. The certification by the authorised officer will be taken to mean that the certifying officer is satisfied that the journeys were authorised, the expenses properly and necessarily incurred and that the allowances are properly payable by the Council.
271. Each Director / Head of Service shall approve all post entry training courses (including the estimated expenditure of each course). All claims for post entry training must be certified by an authorised officer and submitted to the Personnel Team before payment is made.
272. All staff using their own vehicles on Council business will be required to provide details of appropriate insurance, driving licence and MOT if applicable upon request by the Director of Resources or nominated representative.

D8 TAXATION

273. The Director of Resources is responsible for advising Directors / Heads of Service, in the light of guidance issued by appropriate bodies and relevant legislation as it applies, on all taxation issues that affect the Council.
274. The Director of Resources is responsible for maintaining the authority's tax records, making all tax payments, receiving tax credits and submitting tax returns by their due date as appropriate.
275. The Director of Resources shall be responsible for liaising with HM Revenues & Customs on all VAT related matters and for submitting and signing the necessary returns / claims in a timely manner.
276. Any new activities or contractual arrangements should be notified to the Director of Resources in order that potential tax implications may be considered.

D9 TRADING ACCOUNTS AND BUSINESS UNITS

277. The Director of Resources is responsible for advising on the establishment and operation of trading accounts and business units.

D10 STOCKS AND STORES

278. Stocks and stores, including minor items of equipment, represent short term assets of the Council.
279. Directors / Heads of Service are responsible for ensuring all stocks and stores are securely held and recorded.
280. Levels of stock held should not be in excess of reasonable requirements unless agreed by the Director of Resources.
281. Directors / Heads of Service should ensure stocks and stores are periodically checked and should complete a certificate for stock and stores in hand at the end of each financial year or when required by the Director of Resources.
282. Stocks and stores records shall be in a form approved by the Director of Resources.
283. Any surplus or deficiencies of stock must be reported to the Head of Finance.
284. Disposal of surplus stock should be in accordance with procedures set out in Financial Procedure Rule C10
285. The Director of Resources or nominated representative is entitled to check stocks and stores and be supplied with such information as may be required for the accounting, costing and financial records of the Council.

E EXTERNAL ARRANGEMENTS

E1 PARTNERSHIPS

286. Partnerships play a key role in delivering community strategies and in helping to promote and improve the well-being of an area. Local authorities are increasingly working in partnership with others – public agencies, private companies, community groups and voluntary organisations. Part of the leadership role of local authorities is to bring together the contributions of various stakeholders.
287. Local authorities will mobilise investment, bid for funds, champion the needs of their areas and harness the energies of local people and community organisations.
288. The main reasons to enter into a partnership are
- desire to find new ways to share risk
 - ability to access new resources
 - provide new and better ways of delivering services
289. A partner is defined as
- an organisation (private, public or third sector) undertaking, part funding or participating as a beneficiary on a project
 - a body whose nature or status give it a right or obligation to support the project
 - an individual whose contribution gives them a right or obligation to support the project
290. Partners participate in projects by
- acting as project deliverer or sponsor, solely or in conjunction with others
 - acting as project funder or part funder
 - being the beneficiary group of the activity undertaken in the project
 - planning and/or monitoring partnership deliverables and outcomes
291. Partnership working is playing an increasing role in the provision of Council services. The Cabinet is accountable to full Council for functions in respect of partnerships but some of these functions are delegated to officers.
292. The Head of Paid Service (statutory duties held by the Chief Executive) represents the authority on partnership and external bodies in accordance with the scheme of delegation.
293. The Monitoring Officer (statutory duties held by the Head of Legal & Democratic Services) is responsible for promoting and maintaining the high standards of conduct with regard to financial administration in partnerships that apply throughout the authority.
294. The Director of Resources must ensure that the accounting arrangements to be adopted relating to partnerships and joint ventures are satisfactory. He/she must consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He/she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

295. Directors / Heads of Service are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies.

E2 EXTERNAL FUNDING

296. External funding is potentially a very important source of income but funding conditions need to be carefully considered to ensure that they are compatible with the aims and objectives of the Council.
297. Directors / Heads of Service are responsible for informing the Director of Resources and Head of Finance of all funding notified by external bodies, for ensuring that all claims for funds are made by the due date and that the project progresses in accordance with the agreed project terms of reference and that all expenditure is properly incurred and recorded.
298. Directors / Heads of Service are responsible for ensuring that any match funding requirements are considered prior to entering into agreements and that future revenue or capital budgets reflect these requirements.
299. The Director of Resources is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Council's accounts.

E3 WORK FOR THIRD PARTIES

300. Current legislation enables the councils to provide a range of services to other bodies. Such work may enable a unit to maintain economies of scale and existing expertise. Arrangements should be in place to ensure that any risks associated with this are minimised and that such work is intra vires (i.e. legal).
301. The Director of Resources is responsible for issuing guidance with regard to the financial aspects of third party contracts.
302. Directors / Heads of Service are responsible for ensuring that any proposals are properly costed in accordance with guidance provided by the Director of Resources and that contracts are drawn up in accordance with advice from the Head of Legal Services & Democratic Services and that any relevant formal approval process is adhered to.
303. It is the responsibility of Directors / Heads of Service to ensure:
- that the approval of Cabinet where necessary is obtained before any negotiations are concluded to work for third parties
 - appropriate insurance arrangements are made
 - the Council is not put at risk of bad debts
 - that no contract is subsidised by the Council
 - that wherever possible payment is received in advance of the delivery of the service
 - the service area has appropriate expertise and resource to undertake the contract
 - that such contracts do not impact adversely upon the services provided for the Council
 - that all such contracts are properly documented
 - appropriate information is provided to the Head of Finance to enable a note to be entered in the Council's Statement of Accounts.

**Chiltern District Council
and
South Bucks District Council**

CONTRACTS PROCEDURE

RULES

October 2015

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A INTRODUCTION

A1 Purpose

1. The purpose of these Contracts Procedure Rules is to set out the Councils' approach to dealing with all aspects of Procurement.
2. Procurement includes preparing for, entering into, managing, extending, varying and terminating contracts for the supply of goods, services and works. These rules do not apply to contracts for employment.
3. These rules are designed to ensure that the Councils spend public money wisely, fairly and transparently.

A2 Definitions

4. For the purposes of these rules a contract is:
*“an **agreement** having a lawful object entered into voluntarily by two or more parties, each of whom intends to create one or more legal obligations between them. The **elements** of a contract are “offer” and “acceptance” by “competent persons” having legal capacity, who exchange “consideration” to create “mutuality of obligation. Proof of some or all of these elements may be done in writing, though contracts may be made entirely orally or by conduct.”*
5. The 'EU Procurement Rules' are the Public Contracts Regulations that enact The Public Contracts Directive 2004/18/EC into UK Law.

A3 Requirement to Follow

6. These Contracts Procedure Rules must be followed by all employees, agency staff, contractors and councillors when dealing with all aspects of Procurement on behalf of the Council(s).
7. Furthermore, if a Councillor or Officer becomes aware of any activities or actions that do not comply with these rules they must inform the Director of Resources, as soon as they are aware.
8. It is a disciplinary offence if employees do not comply with these Rules or are aware of non-compliance but do not tell the Director of Resources.

A4 Contract Owners

9. A Contract Owner is the person who has overall responsibility for a contract.
10. Every contract must have a named Contract Owner, who is responsible for:
 - Complying with these Contracts Procedure Rules
 - The specific method and activities the Councils' use to prepare for, enter into, manage, extend, vary and terminate a contract
 - Due diligence to verify that contracts the Councils' become party to, but did not award, are suitable
 - Keeping records to give a transparent, comprehensive and complete audit trail for the duration of each contract
 - Writing contract award reports.

11. The Head of Service will be the contract owners for all contracts that fall within their remit, unless they specifically delegate this role, or aspects of it, to someone else.

A5 Declaring an Interest / Gifts and Hospitality

12. When a councillor or employee becomes aware of any pecuniary (monetary) interest they have, directly or indirectly, in any contract the Councils intend to award, or have already awarded they must declare their interest in writing by sending a 'declaration of interest' to the Chief Executive. The Chief Executive will keep a record of all 'declarations of interest'.
13. An indirect interest is when an employer, sponsor or relative of a councillor or employee has a pecuniary (monetary) interest in any contract the Councils intend to become party to or are already party to. A "relative" could be a partner (married or living with), a parent, a son or daughter, a stepson or stepdaughter, the son or daughter of a partner, and / or a sibling.
14. Councillors and officers also need to be very wary of accepting gifts / hospitality from suppliers or potential suppliers in order to avoid accusations of favouritism / bribery. Any offers must be recorded in the corporate gifts and hospitality register, and advice must be taken before accepting any non trivial gifts / hospitality.

A6 Exemptions

15. The Councils must comply with these Contracts Procedure rules at all times. However there are sometimes valid reasons why an exemption from one or more elements of these rules is required.
16. All exemptions must be formally approved by Management Team, and shall be reported to the next appropriate Cabinet meeting.
17. Possible reasons for an exemption include:
 - **Urgency:** do not have sufficient time to comply with all of these rules.
 - **Buying at auction:** an auction is the only source.
 - **No genuine competition:** only one organisation or individual can realistically supply.
 - **Advantageous terms:** an organisation offers terms that are significantly better than the industry norm and is unlikely to repeat these terms.
 - **Failed competitive process:** when a Contract Owner stops a competitive quotation or tender process and decides there is a need to negotiate because no-one submits a quotation or a tender, or after evaluation no quotation or tender is appropriate.
 - **Collaborative procurement:** when another party is leading on the procurement it is normal practice that the other party's Contracts Procedure Rules are followed.
18. However in all cases the EU Procurement Rules must be complied with in full when they apply.

A7 Variations to the Contracts Procedure Rules

19. Only Full Council has the authority to amend these Contracts Procedure Rules.

B SUMMARY OF CONTRACTS PROCEDURE RULES

Total Spend Estimate (C1) Excluding VAT	Advertising (C4) (Minimum Requirement)	Procedure (C5)	Contract Award / Sign off (C10)	Record Keeping (C11)	Contract Review (D2)	Vary / Extend a Contract (E)
Up to £5,000	Up to Contract Owner.	Minimum of one Quotation.	Contract Owner + another officer	Records stored locally.	At least every 12 months.	Up to an extra £2,000.
£5,000 to £25,000	Up to Contract Owner.	Minimum of two Written Quotations.	Head of Service + another officer	Contract recorded in contract register. Records stored locally.		Up to an extra 25% increase in value.
£25,001 to £50,000	Contracts Finder.	Request for Quote (RFQ). Minimum of three Formal Sealed Written Quotations.	Head of Service + Director.	Contract recorded in contract register. Records stored centrally.		
£50,001 to < EU Threshold	Contracts Finder.	Invitation to Tender (ITT). Minimum of four Formal Sealed Written Tenders.	Head of Service + Director. Councils' common seal.		At least every 6 months.	Up to an extra 25% increase in value To no more than the EU Threshold.
Above EU Threshold	Contracts Finder. Office OJEU Notice.	EU procurement rules.	Head of Service + Director + Portfolio Holder / Cabinet. Councils' common seal.			Up to an extra 25% increase in value Plus comply with the EU Procurement Rules.

Item 4g

The EU Thresholds from 1 January 2016 are £164,176 (supplies & services) and £4,104,394 (works).
They are set once every two years and were last set in January 2014.

C PROCEDURES FOR AWARDING CONTRACTS

C1 Total Spend Estimate

20. The amount a Contract Owner estimates the Councils' will spend on the same or similar goods, works or services, over the duration of a contract determines which procedure or procedures a Contract Owner must use.
21. TOTAL SPEND ESTIMATE = Estimated Spend over the Full Length of the Contract.
 Estimated Spend - This is the total value of all purchase likely to be made under the contract, excluding VAT. This includes all organisations that are party to the agreement eg CDC + SBDC if a joint contract.
 Note: A contract owner must not disaggregate contracts to avoid following these rules ie they should not just let a contract for stationery for one team, they need to consider the total spend on stationery across the Council(s).
 Full Length of Contract – This includes any potential extensions or options that are likely to be included in a contract.
22. If the procurement is likely to result in income to the Council (ie the contract is for the sale / disposal of an item) then the procedure is determined by the likely Value of the contract, as opposed to the likely Spend.
23. A Contract Owner can use a procedure they would normally use to enter into a contract in a higher spend threshold to enter into one in a lower spend threshold, but not the other way around. For example they could use the tender procedure for contracts with a total spend estimate of £50,001 to EU Threshold to enter into contracts with a total spend estimate of less than £50,000.

C2 Preparation

24. A Contract Owner must prepare thoroughly before they advertise a contract opportunity, although the amount and type of preparation should be commensurate with a contract's complexity and total spend estimate. In particular they need to be clear on the deliverables they expect from the contract.
25. If a contract or framework agreement for services, or primarily for services, is likely to have a total spend estimate equal to or greater than EU thresholds a Contract Owner must comply with the Public Services (Social Value) Act 2012, and start that compliance as soon as the Councils' are aware they intend to award a contract.

C3 Contract Terms and Conditions

26. All Council awarded contracts must include the Council's standard terms and conditions.
27. The exceptions to this are when:
- A contract has a total spend estimate of less than £25,000 and the contract does not pose a significant risk to the Council.
 - There are changes to the Council's terms and conditions and these are agreed by the Head of Legal and Democratic Services.
 - The norm is for organisations and individuals to use their own terms and conditions (for example the supply of utilities), and there is little or no possibility of

being able to use alternative terms and conditions, and the Councils' Head of Legal and Democratic Services agrees these terms.

28. Each contract must allow a Contract Owner to terminate a contract at any time if a supplier's performance does not discharge their contractual responsibilities.

C4 Advertising Contract Opportunities

29. A Contract Owner must advertise contract opportunities when the total spend estimate is more than £25,000. They can advertise opportunities with lower total spend estimate if they consider it to be economically advantageous to the Council(s).
30. The primary purpose of an advert is to:
- Attract the interest of organisations and individuals.
 - Inform potential bidders concisely and clearly about the opportunity, and
 - Stimulate them to compete with their best terms.
31. As a minimum all adverts must be shown on the Contracts Finder website and the Councils e-tender software (if it uses such software).
32. The Contract Owner may also decide to advertise in:
- A local paper
 - An appropriate professional journal or journals
 - Other suitable websites.
33. A Contract Owner must place an official Notice in the OJEU to advertise an opportunity with a total spend estimate that is more than the thresholds for the EU Procurement Rules. Contract Owners should also place voluntary OJEU notices when they consider it appropriate to do so.

C5 Requesting Quotations and Tenders

Quotation (Up to £5,000)

34. For a total spend estimate of up to £5,000 the Contract Owner must obtain written evidence (for example a digital copy of an email or webpage) of the following:
- Description of goods, services or works
 - Contract terms and conditions (they could be a seller's terms of sale)
 - Price and delivery.
35. A Contract Owner only has to obtain one quotation for goods, services or works costing up to £5,000, provided they believe this to offer best value. If in doubt additional quotes should be obtained.

Written Quotations (£5,000 to £25,000)

36. For a total spend estimate of £5,000 to £25,000 the Contract Owner must obtain written evidence (for example a digital copy of an email or webpage) of the following:
- Description of goods, services or works
 - Contract terms and conditions (they could be a seller's terms of sale)
 - Price and delivery.

37. A Contract Owner must use reasonable endeavours to obtain at least 2 quotations for goods, services or works costing £5,000 to £25,000.

Formal Sealed Written Quotations (£25,001 to £50,000)

38. For a total spend estimate of £25,001 to £50,000 the Contract Owner must produce:

- a Formal Request for Quotation (RFQ), and
- a specification

and request that potential bidders formally submit sealed quotations.

39. A Contract Owner must use reasonable endeavours to obtain at least 3 Formal Sealed Written Quotations for goods, services or works costing £25,001 to £50,000.

Tenders (Over £50,000)

40. A tender should include more detail and be more complex than a quotation. It is likely to require considerably more time to formulate, complete and evaluate.

41. There are three different sets of circumstances that determine the type of tender a Contract Owner can invite from those who express an interest in a contract opportunity.

- **Non-EU Tender** is when a total spend estimate is less than the spend thresholds to comply with the EU Procurement Rules and a Contract Owner must comply with these Contracts Procedure Rules.
- **EU Tender** is when a total spend estimate is equal to or more than the spend thresholds for the EU Procurement Rules and a Contract Owner must comply with these Contracts Procedure Rules and the EU Procurement Rules.
- **Single Action Tender** is when a Contract Owner has a valid exemption from some of these Contracts Procedure Rules because there is only one organisation or individual able to supply what they intend to buy. A single action tender is only different from a normal tender in that a Contract Owner will invite just one organisation or individual to tender and they are very likely to negotiate. All other aspects must remain the same as any other tender.

42. For a total spend estimate of over £50,000 the Contract Owner must produce:

- An Invitation to Tender (ITT) document. This must include:
 - Instructions on how to tender, including timings,
 - details of the evaluation process and evaluation criteria,
 - a note to say that we are not bound to accept the lowest or any tender.
- A specification
- Contract terms and conditions
- Tender return forms or schedules – price and quality schedules and a Non-Collusive Tendering Certificate.

43. A Contract Owner shall use reasonable endeavours to obtain at least 4 tenders for goods, services or works costing over £50,000.

44. Note: In the case of EU tenders, if we use the restrictive procedure and want to limit the number of providers we intend to invite to tender, we have to invite at least five providers to tender.

C6 Receiving Quotations and Tenders

45. Quotations and tenders must be submitted in the following manner.

Spend Threshold	Method	Sent To
Written Quotation (Up to £25,000)	As an attachment to an email, a copy of a webpage, by e-tender software, or by post.	Contract Owner
<u>Formal</u> Sealed Written Quotation (£25,001 to £50,000)	By e-tender software or in a plain sealed envelope.	Head of Service
Tender (Over £50,000)	By e-tender software or in a plain sealed envelope.	Director of Resources

46. A plain sealed envelope must only have written on it:

- The name of the person to whom the Quotation / Tender is to be returned;
- The Council's addresses;
- The title of the contract; and
- The word "quote" or "tender".

47. On receipt Quotations and Tenders must not be opened, and must immediately be passed to Contract Owner / Head of Service / Director as appropriate.

C7 Opening Quotations and Tenders

48. Quotations under £25,000 can be opened by the Contract Owner or his / her nominee.

49. Formal Sealed Written Quotations and Tenders must not be opened until the submission deadline has passed.

50. Formal Sealed Written Quotations (£25,001 to £50,000) must be opened by the Head of Service or his / her nominee, and in the presence of at least 1 other member of staff.

51. Tenders (Over £50,000) must be opened by the Director or Resources or his / her nominee in the presence of at least 2 other members of staff or Councillors, including a representative from Finance.

52. Each Formal Sealed Written Quotation / Tender shall be date stamped and logged on a Quotation / Tender Receipt form and this form shall be signed by each person present at the opening.

C8 Evaluation of Quotations and Tenders

Up to £5,000

53. For contracts with a total spend of £5,000 or less a Contract Owner can evaluate quotations on their own.
54. However, they must be able to explain how and why, with supporting evidence, they decided to recommend the award of a contract to a specific organisation or individual.

Over £5,000

55. A Contract Owner must assemble an evaluation panel with a named chairperson, who could be the Contract Owner. An evaluation panel must have no less than:
- Two members of staff or Councillors to evaluate quotations (£5,000 to £50,000)
 - Three members of staff or Councillors to evaluate tenders (over £50,000).
56. The primary concerns of an evaluation panel must be:
- **Consistency:** the panel must apply the evaluation process and criteria consistently to each written quotation or tender.
 - **Suitability:** the panel must determine which organisation or individual has submitted the most economically advantageous quotation or tender and is therefore the most suitable to supply the Councils.
 - **Criteria:** the panel must evaluate the contents of each formal written quotation or tender against evaluation criteria given in the relevant 'Request for Quotation' or 'Invitation to Tender'.
 - **Consensus:** the panel's members must strive to achieve a consensus for recommendations they give in a contract award report. If they fail to achieve a consensus then a majority must prevail. In the event of an equal split then the chairperson has the deciding vote.

C9 Negotiation

57. A Contract Owner can only negotiate the terms of a contract when:
- Management team has agreed this, and either
 - The total spend estimate is less than that required to comply with the EU Procurement Rules, or
 - They have valid grounds to negotiate, as described in the EU Procurement Rules.
58. A Contract Owner must make sure there are formal written notes of any negotiations.
59. Note: The European Council has stated in its communications that in the open and restricted procedures all negotiations on fundamental aspects of contracts, variations in which are likely to distort competition, in particular on prices, are ruled out. Discussions may be held only to clarify or supplement the content of tenders or the requirements of the contracting authorities and provided this does not involve discrimination.

C10 Contract Award / Sign Off

60. The table below details those who are eligible to sign off contracts, depending on the total spend estimate.

Spend Threshold	Evaluation	Sign-off
Up to £5,000	Contract evaluation to be <u>formally</u> recorded in writing by the Contract Owner.	Contract Owner + another officer
£5,000 to £25,000		Head of Service + another officer
£25,001 to £50,000	Full Contract Award Report. See below	Head of Service + Director.
£50,001 to EU Threshold		Head of Service + Director.
Over EU Threshold		Three stage sign-off: - Head of Service + - Director + - Portfolio Holder / Cabinet

Full Contract Award Report (Over £25,000)

61. The Contract Owner is responsible for preparing a full contract award report for contracts with a total spend estimate of more than £25,000.
62. The Contract Award report must be considered by all the Officers / Councillors who have the authority to sign off the contract, prior to the award of the Contract.
63. A contract award report is an accurate, comprehensive and concise summary of the activities, decisions, results and recommendations a Contract Owner instigates:
- From the time the Council(s) know they intend to enter into a contract; to
 - The signing of a contract.
64. Each contract award report must provide sufficient information in the body of a report and / or in accompanying documents for the person who will sign off a contract. Sufficient information is when the person to sign off a contract is confident that the contract in question complies with these Contracts Procedure Rules.
65. The scope, content and approvals (sign-off) for each contract award report depend on the total spend estimate for a contract and its potential risks.

Sealing Contracts (Over £50,000)

66. Contracts with a total spend estimate of more than £50,000 must be executed under the Councils' common seal. Affixing its common seal is how the Councils formally execute contracts and there are specific rules that govern its use.

C11 Record Keeping

67. A Contract Owner must keep records on the decisions and activities they take concerning how they prepare for, enter into, manage, extend, vary and terminate each of the Councils' contracts.
68. These records must provide complete, comprehensive and concise evidence of how and why contract decisions were made. A transparent audit trail is a pre-requisite for all contracts.
69. A Contract Owner must, as a minimum, keep the following:
 - The Request for Quotation (RFQ) / Invitation to Tender (ITT)
 - All the documents that comprise a quotation or tender
 - The Contract Award Report
 - The documents that make up the formal contract
 - Any formal performance review reports
 - Details of any variations and extensions to the original contract
 - Details of any contract terminations with reasons.
70. These records need to be kept for the duration of the contract, plus 6 years (unsealed contracts) or plus 12 years (sealed contracts).
71. For those contracts with an estimated lifetime spend of less than £5,000 a Contract Owner may store these records locally.
72. For those contracts with an estimated lifetime spend of £5,000 - £25,000 a Contract Owner may store these records locally. However they must notify Finance so that summary details are included in the contracts register.
73. For contracts with an estimated lifetime spend of more than £25,000 these records must be stored in the central contracts register. In addition they must notify Finance so that summary details are included in the contracts register.

D PROCEDURES FOR MANAGING SUPPLIER PERFORMANCE

D1 Contract Start Up

74. A Contract Owner should not normally purchase or receive goods, services or works through a contract before it is signed. If there is a reason for doing this, it must be formally documented.
75. If appropriate when starting a contract a Contract Owner should define a start up period, relevant to the spend and complexity of a contract, in which there is a more intense focus on making sure the contract performs to achieve expectations.

D2 Managing Performance During the Contract Period

76. A Contract Owner must ensure, as far as possible, the Council(s):
 - Receive what they have agreed to pay for;
 - Support a supplier or suppliers to achieve satisfactory results; and
 - Enable a supplier or suppliers to improve performance and increase the benefit of what they have agreed to supply.
77. A Contract Owner shall formally, regularly and consistently meet with the contractor to discuss all aspects of performance.
78. It is recommended that contract reviews take place at least every 12 months for contracts under £50,000 and at least every 6 months for contracts above this value.

D3 Contracts Due to Finish

79. To ensure that the Council(s) always have suitable contracts in place for the goods, services and works that they need to buy, the Contract Owner shall take appropriate action to re-let or renew contracts in good time before the expiry of the existing contract(s).
80. If there are any concerns about the ability to re-let or renew contracts before the expiry of existing contracts these need to be raised with the Director of Resources.

E PROCEDURES FOR VARYING /EXTENDING CONTRACTS

E1 If a Contract has a Variation and/or an Extension Clause

81. If a contract has a variation and / or an extension clause then a Head of Service or Director can vary and / or extend it within the bounds of the terms in such a clause provided they believe this will provide best value for the Council(s).

E2 If a Contract does not have a Variation and/or an Extension Clause

Within Criteria

82. When the terms of the variation and / or extension clause are not specific, or they are not present in a contract, a Contract Owner can request a variation and/or an extension to a contract if the changes they intend to propose comply with the following criteria.

Original Contract Spend	Criteria
Up to £5,000	Up to an extra £2,000.
£5,001 to £50,000	Up to an extra £2,000 or up to an extra 25% increase in value, whichever is the greatest
£50,001 to EU Threshold	Up to an extra 25% increase in value to no more than the EU Threshold
Above EU Threshold	Up to an extra 25% increase in value Plus comply with the EU Procurement Rules

83. In which case a Contract Owner must document the reasoning for each variation and / or extension and get this signed off by a Head of Service or a Director.

Outside Criteria

84. If a Contract Owner wishes to vary and / or extend a contract by more than the above criteria, this needs to be formally approved by Management Team.

E3 Recording Variations and/or Extensions

85. A Contract Owner must store details of each variation and / or extension, for all contracts with a new total spend estimate of more than £25,000, in the central contracts register.

SECTION H - OFFICER EMPLOYMENT PROCEDURE RULES

These Rules incorporate the provisions of the Local Authorities (Standing Orders) (England) Regulations 2001 as amended

1. RECRUITMENT AND APPOINTMENT

Declarations

- 1.1 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.
- 1.2 No candidate so related to a Councillor or an Officer will be appointed without the authority of the relevant Chief Officer or an Officer nominated by him/her.

Seeking Support for appointments

- 1.3 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.
- 1.4 No Councillor will seek support for any person for any appointment with the Council. Any breach of this provision will be referred to the Audit and Standards Committee

2. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 2.1 Where the Council proposes to appoint a Head of Paid Service or other Chief Officer and it is not proposed that the appointment be made exclusively from among their existing Officers, the Council will:-
 - 1) draw up a statement specifying the duties of the Officer concerned and any qualifications or qualities to be sought in the person to be appointed; and
 - 2) make suitable 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
 - 3) make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.
- 2.2 For the purposes of these Rules a "Chief Officer" means a Director, statutory section 151 officer, statutory monitoring officer and Head of Service.

3. APPOINTMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

- 3.1 The full Council will appoint the Head of Paid Service on recommendation from the

Joint Appointments and Implementation Committee (JAIC).

- 3.2 The JAIC will appoint Chief Officers
- 3.3 An offer of employment as the Head of Paid Service or a Chief Officer shall only be made following compliance with the following procedure:-
- a. JAIC has notified the HR Manager of the name of the person to whom it is proposed to make the office and any other particulars JAIC considers are relevant to the appointment
 - b. The HR Manager has notified every member of the Cabinet of;
 - i. The name of the person to whom it is proposed to make the offer
 - ii. Any other particulars relevant to the appointment which have been notified to the HR Manager
 - iii. The period within which any objections to the making of the offer is to be made to the HR Manager by the Leader on behalf of the Cabinet
 - c. And either;
 - i. The Leader has within the period specified in the notice under paragraph 3.3b) above notified the JAIC that neither he/she or any other member of the Cabinet has any objection to the making of the offer
 - ii. The HR Manager has notified JAIC that no objection was received by him/her within that period from the Leader; or
 - iii. The JAIC is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

4. OTHER APPOINTMENTS

Officers below Heads of Service

- 4.1 Appointment of officers below Heads of Service (other than an Assistant to Political Group) is the responsibility of the Head of Paid Service or relevant Director or other officer nominated by him.

Assistants to Political Groups

- 4.2 Appointment of an Assistant to a Political Group shall be made in accordance with the wishes of that Political Group.

5. APPOINTMENT TO BE ON MERIT

All appointments (other than as an Assistant to a Political Group) shall be made on merit irrespective of race, ethnicity, gender, or religious or political beliefs or affiliations;

6. DISCIPLINARY ACTION

- 6.2 **Disciplinary Action against the Head of Paid Service, statutory Chief Finance Officer and statutory Monitoring Officer**

- 6.2.1 Disciplinary action against the Head of Paid Service, statutory Chief Finance Officer and Monitoring Officer will be in accordance with the Council's agreed Disciplinary Policy and Procedures except that disciplinary actions in the form of the issue of a notice of dismissal can only be taken in compliance with paragraphs 6.2.2 and 6.3.1 below.
- 6.2.2 The Head of Paid Service, Chief Finance Officer or Monitoring Officer may not be dismissed by the Council unless the following procedure is complied with:
- i. The Independent Persons (IPs) appointed under section 28(7) of the Localism Act 2011 by the Council and by South Bucks District Council are invited to be considered for appointment to a Joint Panel (the Panel) established by the JAIC for the purpose of advising the council on matter relating to the dismissal of statutory officers, with a view to appointing at least two such persons to the Panel.
 - ii. The Council must appoint to the Panel such relevant IPs who have accepted an invitation in accordance with the following priority order:
 - a. An IP who is an local government elector in the Council's area or the area of South Bucks District Council
 - b. Any other IP
 - c. An IP who has been appointed by another council or councils
 - iii. The Council is not required to appoint more than two IPs but may do so.
 - iv. The Panel must be appointed at least 20 working days before a meeting of Full Council to consider whether or not to approve a proposal to dismiss the Head of Paid Service, Chief Finance Officer or Monitoring Officer.
 - v. Before the taking of a vote on whether or not to approve such a dismissal the Full Council must take into account, in particular-
 - a. Any advice, views or recommendations of the Panel;
 - b. The conclusions of any investigation into the proposed dismissal; and
 - c. Any representations from the relevant officer.
 - vi. Any remuneration, allowances or fees paid by the Council to an IP appointed to the Panel must not be exceed the level of remuneration, allowances or fees paid to that IP in respect of the person's role as IP under the Localism Act 2011.

6.3 Dismissal of Head of Paid Service and Chief Officers

- 6.3.1 Subject to Rule 6.2 above, the Council may not give notice of dismissal of the Head of Paid Service, Chief Finance Officer, Monitoring Officer or Chief Officer until:
- a. The Panel or Head of Paid Services as appropriate has notified the HR Manager of the name of the person to whom it is proposed to dismiss and any other particulars the Panel or Head of Paid Service considers are relevant to the dismissal;
 - b. The HR Manager has notified every member of the Cabinet of;
 - i. The name of the person to whom it is proposed to dismiss
 - ii. Any other particulars relevant to the dismissal which have been notified to the HR Manager
 - iii. The period within which any objections to the dismissal is to be made to the HR Manager by Leader on behalf of the Cabinet
 - c. And either;

- i. The Leader has within the period specified in the notice under paragraph 6.3.1 b) above notified the Panel that neither he/she or any other member of the Cabinet has any objection to the dismissal;
- ii. The HR Manager has notified the Panel that no objection was received by him/her within that period from the Leader; or
- iii. The Panel is satisfied that any objection received from the Leader within that period is not material or is not well-founded.

6.4 Role of Councillors

Councillors will not be involved in disciplinary action (including dismissal) against any Officer below Heads of Service, other than as a member of the Appeals Committee, except where such involvement is necessary for any investigation or inquiry into alleged misconduct.

6.5 Disciplinary Action against Directors and Heads of Service

Disciplinary action against Directors and Heads of Service (other than the Chief Finance Officer and Monitoring Officer) will be in accordance with the Council's agreed Disciplinary Policy and Procedures. In addition, disciplinary action in the form of the issue of notice of dismissal can only be taken following compliance with paragraph 6.3.1 above.

6.6 Disciplinary Action against Officers below Heads of Service

Disciplinary action in relation to Officers below Heads of Service will be in accordance with the Council's agreed Disciplinary Policy and Procedures.

SECTION A – CODE OF CONDUCT FOR ELECTED AND CO-OPTED MEMBERS

CHILTERN DISTRICT COUNCIL

**Code of Conduct for Members
Adopted on 15 August 2012**

Part 1 – General Provisions

Introduction

1. (1) The Council has adopted this Code of Conduct pursuant to section 27 of the Localism Act 2011 (the Act) to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council
- (2) This Code of Conduct complies with Section 28 the Act and is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Scope

2. (1) This Code of Conduct applies to you whenever you are acting in your capacity as a member of Chiltern District Council, including: –
 - (a) at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet, Cabinet Committees and Policy Advisory Groups
 - (b) when acting as a representative of the authority
 - (c) in taking any decision as a Cabinet member or a Ward Councillor
 - (d) in discharging your functions as a ward Councillor
 - (e) at briefing meetings with officers
 - (f) at site visits and
 - (g) when corresponding with the authority other than in a private capacity
- (2) Where you act as a representative of the Council: –
 - (a) on another authority, you must when acting for that 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 this 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. You must –

Item 5a

- (1) provide leadership to the Council and communities within its area, by personal example and
- (2) respect others and not bully any person
- (3) recognise that officers (other than political assistants) are employed by and serve the whole Council
- (4) respect the confidentiality of information which you receive as a member –
 - i. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - ii. not obstructing third parties' legal rights of access to information
- (5) not conduct yourself in a manner which is likely to bring the Council into disrepute
- (6) use your position as a member in the public interest and not for personal advantage
- (7) act in accordance with the council's reasonable rules on the use of the resources of the Council for private or political purposes
- (8) exercise your own independent judgement, taking decisions for good and substantial reasons –
 - i. attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - ii. paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - iii. stating the reasons for your decisions where those reasons are not otherwise apparent
- (9) account for your actions, particularly by supporting the Council's scrutiny function
- (10) ensure that the Council acts within the law.

Part 2 - Interests

Personal interests

4. In addition to the statutory requirements under the Act in relation to DPI's and as set out in Paragraph 10 below and save for the subject interest already having been declared as a DPI and the statutory provisions complied with, the following Paragraphs 5 to 9 shall also apply.
5. (1) You have a personal interest in any business of the Council where either—
 - (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or

- nominated by the Council;
 - (ii) 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 person or body who employs or has appointed you;
 - (iv) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (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 other council tax payers, ratepayers or inhabitants of the ward affected by the decision;
- (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

6. (1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of the Council and you attend a meeting of the Council 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 the Council which solely relates to a body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council, you need only disclose to the meeting the existence and nature of that interest if that interest is prejudicial.
- (3) Where you have a personal interest in any business of the Council of the type mentioned in paragraph 5(1) (a) (iv), 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) Subject to paragraph 9(1) (b), where you have a personal interest in any business of the Council 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.

Prejudicial interest generally

7. (1) Subject to sub-paragraph (2), where you have a personal interest in any business of the Council 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 Council where that business—
- (a) does not affect your financial position or the financial position of a person or body described in paragraph 5;
 - (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 5; or
 - (c) relates to the functions of the council in respect of—
 - (i) an allowance, payment or indemnity given to members;
 - (ii) any ceremonial honour given to members; and
 - (iii) setting council tax or a precept under the Local Government Finance Act 1992.

Prejudicial interests arising in relation to overview and scrutiny committees

8. You also have a prejudicial interest in any business before an overview and scrutiny committee of the Council (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 the cabinet, policy advisory group or another of the Council'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 cabinet, policy advisory group, 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

9. (1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of the Council—
- (a) you must declare the existence and nature of your interest and 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 council's monitoring officer;
- (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 the Council you may attend a meeting (including a meeting of the overview and scrutiny committee of the council 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.

Disclosable Pecuniary Interest

10. A Disclosable Pecuniary Interest (DPI) is as defined in 'The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012' (The Regulations) and the categories of interest are set out in Appendix A.

Note: In addition to the statutory requirements under the Act, Council Procedure Rules require you to withdraw from the room or chamber where the meeting is being held if you have a DPI in an item of business being considered at that meeting unless a Dispensation has been granted pursuant to and in accordance with Section 33 of the Act.

Part 3 - Registration of Members' Interests

Registration or Disclosure of members' interests

11. (1) Subject to paragraph 12, you must, within 28 days of—
- (a) in relation to a DPI, the Regulations coming into effect namely 1.7.12
 - (b) in relation to Personal Interests, this Code being adopted by or applied to the council; or
 - (c) otherwise your election or appointment to office (where that is later),
- register in the Council's Register of members' interests, maintained under Section 29 of the Act, details of any DPI which you or your spouse or civil partner (or person with whom you are living as spouse or civil partner) may have, together with your personal interests where they fall within a category mentioned in paragraph 5(1)(a), by providing written notification to the Council's Monitoring Officer.
- (2) Failure to register or disclose any DPI in accordance with section 30(1) or 31(2), (3) or (7) of the Act, or participating in any discussion or vote in contravention of section 31(4) of the Act, or taking any steps in contravention of section 31(8) of the Act, is a

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criminal offence and risks a fine not exceeding level 5 on the standard scale (currently £5,000) or disqualification as a member for a period not exceeding 5 years.

- (3) Subject to paragraph 12, you must, within 28 days of becoming aware of any new DPI and/or personal interest or change to any DPI and/or personal interest registered under paragraph (1), register details of that new DPI and/or personal interest or change by providing written notification to the Council's Monitoring Officer.
- (4) Subject to paragraph 12, you are required to disclose the existence and nature of any DPI when it arises at a meeting even where already registered in the Register or pending registration so the minutes can be duly noted.

Sensitive interest

12. (1) Where you consider that you have a sensitive interest (whether or not a DPI), and the Council's Monitoring Officer agrees, if the interest is entered in the Council's Register, copies of the Register that are made available for inspection and any published version of the Register, must not include details of the interest (but may state that the member has an interest the details of which are withheld under section 32 (2) of the Act) and any public declaration required need only state the fact an interest arises without further detail.
- (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 a sensitive interest, notify the Council's Monitoring Officer asking that the interest be included in the Council's Register of members' interests.
- (3) In this Code, "sensitive interest" means an interest, the nature of which is such that you and the Council's Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation.

Dispensations

13. On a written request made to the Council's Monitoring Officer, the Council may grant a dispensation for you to participate in a discussion and vote on a matter at a meeting even if you have a DPI or a prejudicial interest and that you be relieved of the obligation to otherwise withdraw from the room in which the matter is being considered if the Council considers that the number of members otherwise prohibited from taking part in the meeting would be so great a proportion of the body transacting the business that it would impede the transaction of the business; or the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the business; or it is in the interests of the inhabitants in the Council's area to allow you to take part or that without the dispensation the Council's cabinet would be prohibited from participating in the matter or it is otherwise appropriate to grant a dispensation.

Appendix A

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a DPI are set out in Chapter 7 of the Localism Act 2011.

DPI's are defined in the Relevant Authorities (Disclosable Pecuniary interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—

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- (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

SECTION B – PROTOCOL FOR MEMBERS RELATING TO GIFTS AND HOSPITALITY**1. INTRODUCTION**

- 1.1 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 Council as acting in the public interest and not for personal advantage. The principles of conduct in public life require all Councillors to act with openness, integrity and honesty.
- 1.2 A requirement to declare details of any person from whom Councillors receive gifts and/or hospitality with an estimated value of £50 or more as a Personal Interest is set out in the Council's Code of Conduct. Failure to declare such details is a breach of the Code of Conduct and could lead to a formal complaint being made against the Councillor concerned.
- 1.3 Furthermore, the Bribery Act 2010 makes it a criminal offence to request, agree to receive or accept a bribe and defines corruption as the dishonest influencing of actions or decisions. The corrupt acceptance of a gift or hospitality can lead to an unlimited fine or up to 10 years' imprisonment.

.. ..

2. AIMS OF THE PROTOCOL

- 2.1 This Protocol 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 in certain circumstances accounting to the Council for gifts received;
 - a procedure for accounting to the Council for any gift intended for the Council

3. LIMITS OF THE PROTOCOL

- 3.1 This Protocol does not apply to the acceptance of any facilities or hospitality which may be provided to you by the Council.

4. CONSEQUENCE OF BREACHING THE PROTOCOL

- 4.1 If you do not abide by this Protocol, you may put yourself at risk of being named in a report made to the Audit and Standards..
- 4.2 If you have any doubts about the application of this Protocol to your own circumstances you should seek advice from the Monitoring Officer or Deputy Monitoring Officer.

5. GENERAL PRINCIPLES

- 5.1 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:
- 5.2 **Never accept a gift or hospitality as an inducement or reward for anything you do as a Councillor**
- 5.3 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.
- 5.4 The Bribery Act 2010 provides that if you request, agree to receive or accept a financial or other advantage intending that, in consequence, a function of a public nature should be performed improperly (whether by you or another person), you commit a criminal offence carrying a maximum term of imprisonment of 10 years. The Act defines improper performance as acting in breach of trust or failing to act either in good faith or impartially. 5.5 Further, the Council's Code of Conduct for Members provides that you must act in the public interest and not for personal advantage and must not conduct yourself in a manner which is likely to bring the Council into disrepute..
- 5.6 **You should only accept a gift or hospitality if there is a commensurate benefit to the Council.**
- 5.7 The only proper reason for accepting any gift or hospitality is that there is a commensurate benefit for the Council which would not have been available but for the acceptance of that gift or hospitality.
- 5.8 Acceptance of hospitality can confer an advantage on the Council, such as an opportunity to progress the business of the Council expeditiously through a working lunch, or to canvass the interests of the Council and the district at a meeting. Acceptance of a gift is much less likely to confer such an advantage. Therefore, unless the benefit to the Council 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. In that case it should be declined.
- 5.9 As set out above, the Council's Code of Conduct Members provides that you must not use your position for your own personal advantage which would include acceptance as a Councillor of a gift or hospitality for your own benefit or advantage, rather than for the benefit of the Council..
- 5.10 **Never accept a gift or hospitality if acceptance might be open to misinterpretation.**

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- 5.11 The appearance of impropriety can be just as damaging to the Council and to you as a Councillor as actual impropriety. The Council'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 Council 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.
- 5.12 Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:
- 1) occasions when the Council is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
 - 2) determinations of planning applications or planning policy, in respect of any person or organisation which stands to gain or lose from the determination,
 - 3) funding decisions, when the Council is determining a grant application by any person or organisation.
- 5.13 **Never accept a gift or hospitality which puts you under an improper obligation.**
- 5.14 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 Council.
- 5.15 **Never solicit a gift or hospitality.**
- 5.16. 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 Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

6. CONSENT REGIMES

6.1 General Consent Provisions

For clarity, the Council has agreed that you may accept gifts and hospitality in the following circumstances:

- 1) civic hospitality provided by another public authority
- 2) modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits

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- 3) tickets for sporting, cultural and entertainment events but only if these are sponsored by the Council
- 4) 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
- 5) a modest alcoholic or soft drink on the occasion of an accidental social meeting with an employee of a contractor or party with whom you have done business on behalf of the Council. In such cases, you should make reasonable efforts to return the offer where this is practicable
- 6) a modest working lunch not exceeding £15 a head in the course of a meeting in the offices of a party with whom the Council has an existing business connection and 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 £15 a head
- 7) modest souvenir gifts with a value below £25 from another public authority given on the occasion of a visit by or to that authority
- 8) hospitality received in the course of an external visit or meeting which has been duly authorised by the Council. 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
- 9) 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:
 - (i) The Councillor must, as soon as practicable after the receipt of the gift, and in any event within 28 days pass it to the Monitoring Officer together with written statement setting out the information described in Paragraphs 6.2 below. [The Form attached to this Protocol as Appendix 2 can be used for this purpose]
 - (ii) The Monitoring Officer will write to the person or organisation making the gift thanking them on your behalf for it and informing them that you have donated the gift to a Charity of your choice on whose behalf it will be raffled or otherwise disposed of in due course.

6.2 Special Consent Provisions

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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:

- 1) 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 Council in which they have been involved
 - (iv) any work, permission, concession or facility which you are aware that the person or organisation making the offer or invitation may seek from the authority
 - (v) any special circumstances which lead you to believe that acceptance of the gift or hospitality will not be improper

[You may use the Special Consent Application Form attached to this Protocol as Appendix 1]

- 2) You must not accept the gift or hospitality until you have received the appropriate consent.
- 3) If consent is refused you will decline the gift or hospitality and confirm to the Monitoring Officer that you have done so.
- 4) The Monitoring Officer will record all applications received under this part of the Protocol and all refusal made or consents granted in a register kept for that purpose which shall be open to public inspection. [Note that this does not relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 7, below]
- 5) If consent is granted and the offer is a gift, you will accept it for and on behalf of Chiltern District Council and hand it to the Monitoring Officer who shall immediately take the following steps:
 - (i) issue you with a receipt for the gift;
 - (ii) add the gift to the Councils inventory; and
 - (iii) consult with the Chief Financial Officer and Chairman of the Council as to what measures are appropriate for the protection and/or use of the gift to ensure that it is properly applied for the benefit of the Council.

7. DECLARATION OF GIFTS

- 7.1 Where you accept any gift or hospitality which you estimate to have a market value or cost of provision of £50 or greater, regardless of whether you are authorised to accept such gift or hospitality by the General or Specific Consent provisions set out in Paragraph 2 above, you must, as soon as possible after receipt of the gift or hospitality, and in any event within 28 days of receipt notify the Monitoring Officer by email to monitoringofficer@chiltern.gov.uk and make an addition to your Register of Personal Interests to record details of the person from whom the gift or hospitality was received.. The Register of Interests is available for public inspection and published on the Council's website.

[NB Even if the value of the gift or hospitality is less than £50, 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 disclosure in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.]

8. GIFTS TO THE COUNCIL

- 8.1 Gifts to the Council 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 Council. The following principles will govern the issue of gifts to the Council:-
- 1) You should not solicit any such gift on behalf of the Council except where the Council 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 musical and theatrical performances and developers' contributions under Section 106 Agreements.
 - 2) If you receive such an offer on behalf of the Council, you must first consider whether it is appropriate for the Council to accept the offer (in terms of whether the acceptance of the gift might be seen as putting the Council under any improper obligation and whether there is a real benefit to the Council which would outweigh any dis-benefits).
 - 3) You do not have delegated authority to accept a gift on behalf of the Council and so you should report the offer directly to the Monitoring Officer who has such delegated authority, together with your recommendation.
 - 4) The Monitoring Officer will write back to the person or organisation making the offer to record the acceptance or non-acceptance of the gift and if accepted, record the gift for audit purposes by adding it to an inventory and consult with the Chief Financial Officer and Chairman of the Council to ensure that the gift is properly applied for the benefit of the Council.

- 5) If at any time 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.

9 DEFINITIONS

- 1) "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.
- 2) 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.

APPENDIX 1

Application for a Special Consent to accept a Gift or Hospitality not authorised by the General Consent Provisions of the Protocol For Members Relating to Gifts and Hospitality

Name	
Ward	
What is the nature of the gift or hospitality offered or invited?	
What is your best estimate of its market value or cost?	
Please give details of the person or organisation who has made the offer or invitation?	
What connection do you have with the person or organisation making the offer?	
So far as you are aware, please give details of any work, permission, concession or facility that the person or organisation making the offer or invitation has sought or is seeking from the Council.	
Are there any special circumstances that might justify the acceptance of the gift or hospitality offered or invited?	
<p>DECLARATION</p> <p>I understand that if this application relates to the offer of a gift and the Monitoring Officer gives his consent to my acceptance of it, the gift will be belong to Chiltern District Council and I will account to the Monitoring Officer for it in accordance with Paragraph 2 (2) (e) of the Protocol relating to Gifts and Hospitality</p> <p>Signed..... Date</p>	

APPENDIX 2

Declaration of Receipt of Gifts or Hospitality by Councillors

Name	
Ward	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Protocol? If so, which?	
Did you get the consent of any officer before accepting it? If so, who?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your job with the person or organisation providing the gift or hospitality?	
Signed	Date

SECTION C - CODE OF PRACTICE ON PLANNING MATTERS (MAY 2017)**Availability of Code**

This Chiltern District Council local 'Code of Practice on Planning Matters' is a publicly available document intended to demonstrate the way in which all Members, and officers, will conduct themselves. The code will be kept under review, and may be adapted from time to time.

1 INTRODUCTION

- 1.1 The role of an elected Member [*in this Code of Practice 'Member' has the same meaning as 'District Councillor'*] on the Planning Committee involves achieving a balance between representing the needs and interests of individual constituents and the community, with the need to maintain an ethic of impartial decision-making on planning grounds on what can be highly controversial proposals.
- 1.2 This '**Code of Practice on Planning Matters**' is intended to demonstrate the way in which all Members of Chiltern District Council, and its officers, will conduct themselves when dealing with, and deciding, planning matters, and planning applications in particular. The code is not restricted to Planning Committee Members and to planning officers only.
- 1.3 It also relates to those decisions on planning, and other, applications made by the Head of Sustainable Development or other authorised council officers acting under delegated authority of the Council [*see Section 16 below*].
- 1.4 The successful operation of the planning system relies on mutual trust and on the understanding of each other's roles. It also relies on Members and officers ensuring that they act in a way which is not only fair and impartial, but is also clearly seen to be so. Planning Authorities should make planning decisions openly, impartially, with sound judgement and for justifiable reasons. The process should leave no grounds for suggesting, with any justification, that a decision has been partial, biased, or not well-founded in any way.
- 1.5 The conduct of Members is governed by Statute, the Council's Constitution and the adopted Members Code of Conduct. This Chiltern District Council 'Code of Practice on Planning Matters' takes account of advice given by the Department of Communities and Local Government, Planning Advisory Service and the Local Government Ombudsman, and recommendations made by independent inquiries into the conduct of a number of local planning authorities.
- 1.6 This code cannot cover every eventuality that may arise, and Members may wish to seek further advice from officers on other situations that may occur.

2 ACTING WITHIN THE LAW

- 2.1 Members (Councillors) hold office by virtue of the law, and are charged that at all times they act within the law.
- 2.2 The Council's planning responsibilities are defined by the Planning Acts and associated Regulations, Orders and statutory guidance. The Council's legal and planning officers must give advice on matters of law, but the ultimate responsibility for the actions of Members lies with the Members themselves.

3 PUBLIC DUTY

- 3.1 The Council's planning policies are adopted in the interests of the whole community, i.e. the District, and, in almost all cases, have been subject to a process of public consultation and local inquiry. They reflect the public interest, rather than those of an individual, group of individuals, group, or organisation.
- 3.2 Members have a duty to their constituents, including those who did not vote for them, but their overriding duty is to the local community as a whole. Members are involved in planning matter to represent the interests of the whole community and must maintain an open mind when considering planning applications. They should not favour any individuals or groups, and, although Members may be influenced by the opinions of others, they alone have the responsibility to decide what view to take. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning considerations. Local opposition or support for a proposal is not in itself a ground for refusing or granting permission, unless it is founded upon valid material planning reasons. Members must, therefore, represent their constituents as a body and vote in the interests of the whole District. They must not put themselves in a position where they appear to favour any person, group, company or locality. Members who do not feel that they can act in this way should consider whether they are suited to serve on a Planning Committee.
- 3.3 Accordingly, Members and officers should support the Council's planning policies where these are relevant to a planning application unless there is an overriding planning reason, or reasons, for not doing so. This is reinforced by the provisions of Section 70(2) of the Town and County Planning Act 1990 and Section 38 of the Planning and Compulsory Purchase Act 2004 which require the Council to determine applications in accordance with the Development Plan unless there are material considerations that indicate otherwise.

4 DECLARATIONS OF INTEREST

- 4.1 The declaration of pecuniary interests is governed by the Localism Act 2011 and declaration of personal and prejudicial interests is governed by the Members Code of Conduct.

- 4.2 It is for Councillors to interpret the Code of Conduct using the guiding rule that one should not use one's position to further a private or personal interest, rather than the general public interest, or act in such a way as to give grounds for such suspicion. The Localism Act 2011 and the Code refers to participation at meetings, but if a Member has a prejudicial interest in an application, the Ombudsman has made it clear that Members have a duty to disassociate themselves from all processing of that application. This disassociation should also apply to discussions and to site visits.
Note: Para 9(2) of the Code – which allows Members with a Prejudicial Interest to speak at Planning Committee where the public are also allowed to speak.
- 4.3 If a Member attending a meeting of the Planning Committee has a disclosable pecuniary interest in any matter on the agenda, he/she must declare the existence and nature of that interest at the beginning of the meeting or as soon as it becomes apparent and must withdraw from the meeting whilst the matter is being considered unless he/she has been granted a dispensation under section 33 of the Localism Act 2011. A disclosable pecuniary interest is defined in the Relevant Authorities (Disclosable Pecuniary interests) Regulations 2012 and set out in Appendix A to the Code of Conduct.
- 4.4 If a Member attending a meeting of the Planning Committee has a personal interest in any matter on the agenda, he/she must declare the existence and nature of that interest at the beginning of the meeting or as soon as it becomes apparent. The Code of Conduct provides that a Member has a personal interests in a matter when a decision on it would affect his/her financial position or well-being or the financial position or well being of:-
- a member of your family or any person with whom you have a close association;
 - 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
 - any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000
 - other local authorities or public or charitable bodies of which he/she is a member or holds a position of a management or control;
 - any body to which he/she has been appointed or nominated by the Council; and
 - any body one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), and of which he/she is a member or holds a position of management or control.

It follows that the range of potential personal interests is likely to be broad.

- 4.5 The Code of Conduct provides that if a member of the public with knowledge of all the relevant facts (i.e. knowing what the Member knows) would reasonably regard a personal interest as being so significant that it would affect the Member's judgement of the public interest, that interest will also be a prejudicial interest. If a Member has a prejudicial interest in any matter under consideration at a planning committee he/she must declare the existence and nature of that interest at the beginning of the meetings or as soon as it become apparent and he/she must withdraw from the

meeting while the matter is being considered unless he/she has been granted a dispensation under section 33 of the Localism Act 2011. (See Note to 4.2 above).

- 4.6 Consequently Members should approach the question of deciding whether a personal interest is also a prejudicial interest from an objective stand point. The question is not whether the Members judgement of the public interest actually was prejudiced by the nature of the interest, but whether a resident in the public gallery knowing all the facts would reasonably consider that this was a likely outcome. Therefore the test is not actual harm to the public interest arising from the failure to declare a prejudicial interest but the potential for harm in the Member not doing so.
- 4.7 Given the serious consequences of failing to declare a pecuniary interest - possible prosecution and disqualification from office together with the potential to undermine the validity of the decision taken, Members should resolve doubts about whether an interest is pecuniary by declaring a pecuniary interest and withdrawing from the meeting while the matter is being considered.
- 4.8 Although in cases of doubt Members should seek the advice of the Monitoring Officer in advance of the meeting, ultimately the responsibility for declaring a pecuniary, personal and/or prejudicial interest lies with the individual Member. In particular, this means that as soon as a Member is aware that he/she has a pecuniary or prejudicial interest in an application, he/she should take no further part in its processing. In particular this means:
- 1 he/she should not comment on an application as Ward Member prior to its determination;
 - 2 if invited to comment as Ward Member, he/she should decline to do so;
 - 3 he/she should not ask for an otherwise delegated matter to be considered by the Planning Committee;
 4. at the Planning Committee he/she should declare the existence and nature of that interest at the beginning of the meeting or as soon as it becomes apparent and withdraw from the meeting while the matter is being considered. (See Note to 4.2 above).
- 4.9 Officers must declare any personal or financial interests in any planning matter or application before the Council, must not deal with such matters on behalf of the Council, and must not give advice to Members or other officers on them. An officer with a personal or financial interest in a planning matter must withdraw from any relevant Committee or Council meeting whilst the matter is discussed. Planning Officers must maintain their professional integrity and should avoid becoming associated in the public mind with representatives of the development industry or environmental pressure groups. This also applies in the case of delegated decisions. If an officer has an interest in an application, he/ she must declare that interest and take no part in its processing or in the making of the decision.

- 4.10 The Ombudsman's advice on declarations of interest is quite clear. The Council is at risk of a finding of maladministration if a Member who has a pecuniary or prejudicial interest in an application exercises ANY of the powers or privileges accorded to Members in respect of that application – subject to Note at 4.2 above.
- 4.11 A Member may not become aware of a potential interest until after he/ she has submitted comments as local Member or taken some other action. If this happens, the Member should contact the Head of Sustainable Development, or Development Control Manager or Senior Planning Officers (Development Control) urgently as soon as the situation arises so that the officers can take the appropriate action. The appropriate declarations should be made and actions taken if/when the matter is considered by the Planning Committee.
- 4.12 If a Member has to disassociate himself/herself from an application, it may be considered that their constituents have become disenfranchised. This does not entitle the Member to set aside the advice in this section. In these cases, the Ombudsman recommends that:
- 1 another Member from the same Ward, or from an adjoining Ward, should be invited to take an interest in the matter;
 - 2 constituents who approach the Member concerned should be invited to contact that other Member or another Member on the Planning Committee;
 - 3 the relevant Member should avoid expressing any view about the application to other Members [*except as set out below*] and should NEVER communicate to other Members of the deciding meeting what he/ she would have said had he/ she been able to do so;
- 4.13 An officer should also declare his/ her interest in any applications in which they have an interest or which affects their property, and, if appropriate, submit any views in writing on plain paper, as a third party, for consideration.

5 FAIRNESS AND EQUITY

- 5.1 Members should treat all their constituents and others fairly and give no intimation of specific support or encouragement for a particular applicant or objector until they are in possession of all the facts.
- 5.2 It is legitimate for Members to assist an applicant by explaining how to go about making an application. With regard to advice to applicants or objectors about whether or not a proposal is in line with planning policies, Members must be sure that they are fully aware of all policy implications, otherwise an applicant or objector might be misled. It is often safer to refer the enquirer to an officer of the Council.

6 MEMBER – OFFICER RELATIONSHIPS AND ROLES

- 6.1 Members and officers have different, but complementary, roles. Both serve the public, but Members are responsible to the electorate, while officers are responsible to the Council as a whole.
- 6.2 The officers' role is to advise Members and the Council of the relevant planning policies and other material considerations; the Members' role is to make planning decisions on the basis of that advice.
- 6.3 Officers must give objective, impartial planning advice, based upon their professional judgement, and not be compromised or influenced by political considerations, other than through the formal development of the Council's planning policies.
- 6.4 It is important that there is a good working relationship between Members and officers, based upon mutual understanding of, and respect for, their respective roles. This relationship, and the trust which underpins it, must never be abused or compromised.

7 LOBBYING OF, AND BY, COUNCILLORS

- 7.1 The lobbying of Members is a normal and perfectly proper part of the political process; those who may be affected by a planning decision will often seek to influence it through an approach to their elected Ward Member or a Member of the Planning Committee. The lobbying may come from an applicant, their agent, or from third parties who are opposed to, or support, the application.
- 7.2 Behind the scenes lobbying can provoke suspicion that a planning decision may be unduly influenced by a particular interest. Members must bear in mind that their over-riding duty is to the local community as a whole. Accordingly, if Members are willing to be lobbied by one party, they must give the same opportunity to all other parties. Alternatively, they can decline to be lobbied by any party and refer the lobbyist to the officers.
- 7.3 Particularly with smaller applications, prospective applicants may seek assistance from a Member before they submit their application. While it may be helpful to assist such applicants and to describe the Council's adopted planning policies, Members should not offer an opinion whether a particular proposal is consistent with those policies without consulting an appropriate planning officer. It may be more appropriate, at the outset, to refer the person seeking the advice and guidance to a planning officer who will be pleased to assist the person concerned.
- 7.4 Members may be invited to 'presentations' by both promoters and opposers of a scheme. Members should be very cautious about accepting such invitations, particularly if hospitality is involved. In some circumstances it may be appropriate to attend, but prior advice from senior officers should always be taken before the invitation is accepted, and before attending. If a Member finds out that planning

officers have not been invited, or are not welcome, then it would be less appropriate for a Member to attend. If a Member, after weighing up the advice, decides to attend the presentation, no views should be expressed for or against the scheme. Any questions that may be asked by the Member should be phrased carefully, and the promoters of the scheme should be requested to copy any material to the planning officers so that they can advise on the contents of the draft scheme. If any hospitality is offered at the presentation, the advice in section 18 below should be followed.

- 7.5 Lobbying may be by way of a letter, email, telephone or other means of communication. It may be by means of a casual meeting, or at a Members' surgery. If the lobbying is by way of a letter or email, it is suggested that the letter/email is passed or copied to the case officer or to a senior planning officer. As a courtesy, the letter/email can be simply acknowledged by the Member and the writer advised that the letter/email has been forwarded to the planning officers and will be taken into account before and when a decision is made. A letter/email may be forwarded to a Ward Member, or to a single Member on the Planning Committee. If a letter/email is to be relied upon at the meeting, it should be copied to the planning officers, for both the application file and for more general publicity at the Committee meeting. If it is received too late for this to occur, then it can be referred to at the meeting, but should be passed to the officers for inclusion in the application file.
- 7.6 With personal contact, or with a telephone conversation, Members will listen to the views being expressed, and may ask questions to seek clarification from the other party. They will request the other party to submit any representations in writing/by email to the Head of Sustainable Development so that their views can be taken into account at the appropriate time.
- 7.7 However, such lobbying can, unless care and common sense are exercised by all the parties concerned, lead to the impartiality and integrity of a Member being called into question. As a result:
- 1 when being lobbied, Members, and Members of the Planning Committee in particular, should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the issue before they have been exposed to all the evidence and arguments;
 - 2 if Members do express an opinion, they should make it clear that they will only be in a position to take a final decision after having heard all the relevant evidence and arguments at the Planning Committee meeting;
 - 3 Members should avoid organising support for, or opposition to, a planning application, and avoid lobbying other Members; such actions can easily be misunderstood by parties to the application and by the general public.
- 7.8 Members should not negotiate in respect of an application directly with an applicant or with a planning officer on behalf of an applicant or third party (e.g. an objector).

Whilst it may be tempting to suggest to an applicant that their scheme might be improved by their addressing certain factors, such views should only be expressed through a planning officer, or upon the instructions of the Planning Committee to the officers.

- 7.9 If a Member is unwittingly drawn into negotiations, they may find themselves compromised. In such circumstances, the Member should consider that they have a clear and substantial interest, and should take no further part in its processing and will absent themselves from the discussion at the meeting when the decision is to be taken.
- 7.10 Given that the point at which a decision on a planning application is made (other than those determined under delegated authority) cannot occur before the Planning Committee meeting, when all available information is to hand and has been duly considered, any political group meeting prior to the Committee meeting should not be used to decide how Councillors should vote.
- 7.11 In addition, Members:
- 1 are encouraged to discuss any concerns they may have with the relevant planning officer;
 - 2 should not put pressure on planning officers for a particular recommendation;
 - 3 submitting applications, or with an interest in planning matters, which in due course would normally have to be declared, should not seek to lobby or influence Members of the Planning Committee to determine the application or matter in a particular was [*this also applies to officers in the same position*].

8 APPLICATIONS BY MEMBERS AND OFFICERS AND THE COUNCIL'S OWN DEVELOPMENT

- 8.1 Occasionally, applications may be submitted by, or may affect, Members and officers who live in the District. In such cases, this can easily give rise to suspicions of impropriety. This can also occur in relation to a Council's own development, either through planning applications or through development plan proposals.
- 8.2 It is perfectly legitimate for such proposals to be submitted. However, to avoid any grounds for accusations that such applications are considered more favourably than other applications, all such applications will be treated and publicised in the same way as other similar applications. Applications submitted by all Councillors, by all officers of the Planning Department, and by other senior officers of the Council, will be determined by the Planning Committee in public. None of these applications will be delegated to the Head of Sustainable Development or another authorised officer.
- 8.3 In regard to the Council's own applications, these will also be treated and publicised in the same way, and in accordance with the Town and Country Planning Regulations

1992, and will be considered by the Planning Committee in public; the Committee will submit a recommendation to the Council, with its view on how the application should be determined. Members will receive a report and recommendation from the planning officers on all Council applications.

- 8.4 Members who act as agents for people making an application to the Chiltern District Council should play no part in the decision-making process for that proposal, neither should they, nor an officer, play any part in relation to their own personal application. In those cases where a Member or officer may be affected personally by a planning application proposal, the procedure in section 4 above will apply.
- 8.6 The Council's Monitoring Officer will be notified of such applications so that this officer can confirm that relevant applications have been processed properly.

9 PRE-APPLICATION AND PRE-DECISION DISCUSSIONS

- 9.1 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 by the Department of Communities and Local Government]. However, it can become, or be seen to become, part of the lobbying process.
- 9.2 In order to avoid such problems, pre-application discussions should take place within clear guidelines. [In this context, the same considerations used for 'pre-application' discussions should apply to any discussions which take place before a decision is made.]
- 9.3 It should always be made clear by the officers at the outset that the discussions will not bind the Council to make a particular decision, and that any views expressed are personal and provisional. By the very nature of such meetings, not all relevant information will be to hand, neither will formal consultations with interested parties, including the public, have taken place.
- 9.4 Advice by the officers should be consistent and based upon the development plan and material considerations. There should be no significant difference of interpretation of planning policies between planning officers.
- 9.5 A written note should be made of all potentially contentious pre-application or pre-decision meetings. If it is known beforehand that a meeting may be contentious, arrangements should be made for two officers to be present. A follow-up letter may be sent afterwards, particularly if documents have been left with the Council officers. Similarly, a note should be taken of potentially contentious telephone conversations. If the other party produces a note of the meeting, it should always be scrutinised carefully for accuracy, compared with the officers' record note, and any differences challenged in writing.

- 9.6 Care should be taken to ensure that advice given by the officers is not partial, or seen to be so, otherwise a subsequent report could appear to be advocacy on behalf of the applicant.

10 NEW PLANNING AND OTHER APPLICATIONS

- 10.1 After an initial assessment of the application forms, plans, certificate, and supporting information including a Design and Access Statement , and fee (unless not required) by the officers for correctness, a new valid planning, or other, application received by the Council's Planning Department, will be entered onto the Statutory Planning Register. The application will be allocated to a case officer, and formally acknowledged. The application will then be processed towards a decision.
- 10.2 A copy of each registered application will be available for inspection by the public in the Planning Department at the District Council Offices. Planning applications are also available to view on the internet through the Public Access link on the Council's web site.

11 PUBLICITY TO NEW PLANNING APPLICATIONS

- 11.1 Publicity will be given to each new application as follows:
- 1 by inclusion in the List of Planning Applications available for inspection on Public Access. (The list will also be available for inspection by the public using the computers in Customer Services at the Council Offices);
 - 2 by the forwarding of a letter to the owner / occupier of properties which are close to the application site, notifying them of the receipt of the application, and seeking any views in writing;
 - 3 by displaying a site notice, and/or statutory notice in a local newspaper, in relevant cases.
- 11.2 All documentation concerning the publicity given to new applications will advise of the respective time-scales for the receipt of written views or representations, and the earliest date after which a decision may be taken by the Planning Committee, or by the officers under delegated authority [see section 16 below].
- 11.3 All letters of representation will be formally acknowledged, and in due course, writers will be notified of the decision. All representations on planning matters submitted to the Council must be in writing, either by letter addressed to the Head of Planning Services, Chiltern District Council, Council Offices, King George V Road, Amersham, Bucks, HP6 5AW, or by e-mail addressed to planning@chiltern.gov.uk or sent via the Council's Public Access Website, or by Facsimile to the Head of Planning Services on 01494 586508, and no verbal representations will be accepted, other than by

public speaking at Planning Committee meetings in accordance with the Council's adopted rules for public speaking at Planning Committee meetings.

- 11.4 Third party letters will be available for public inspection electronically via Public Access.

12 OFFICER REPORTS TO THE PLANNING COMMITTEE

- 12.1 For those applications which are not to be determined by officers under delegated powers, it is important, as a matter of good practice, for a written report and recommendation to be submitted by the planning officers to the Planning Committee. Failure to do so may constitute maladministration, and/ or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the Council's statutory duty under S.38 – Planning and Compulsory Purchase Act 2004.
- 12.2 Reports should be accurate and cover the substance of the representations made in writing and received before the report is written. They should include details of the application, relevant provisions of the development plan, site considerations, relevant site history, details of consultee responses, a summary of representations of the local Town or Parish Council and third parties, the issues involved (including any other material considerations), which clearly lead to the recommendation. The recommendation will also include proposed conditions and reasons for the conditions, or reasons for refusal. All reports will be updated where additional information has been received by the Planning Division since the written report was prepared. Where a separate oral report is made on an item which is not on the agenda because the Chairman rules that it is urgent, then full details will be included in the minutes of the meeting.[see also paragraph 14.4 below].
- 12.3 If a recommendation on a report is contrary to the provisions of the development plan, the issues section of the report will set out fully the justification for this.
- 12.4 A copy of the written report will be retained on the electronic application file. A similar written report will be prepared for applications on which a delegated decision is to be made, and a copy will be retained in the same way - see paragraph 16 below.
- 12.5 A copy of the Committee agenda and officers' written reports to the Planning Committee will be available at least five clear working days before the relevant Committee meeting. The electronic application file, including third party letters, consultee responses, officer notes, report and recommendation, will also be available at this time.

13 SITE VISITS

- 13.1 It should be remembered that Members do not have any greater right to enter property than any other member of the public. Accordingly, Members should not

enter an application site, or adjoining property, unless there is a general public right of access to the property, or, for example, the property is crossed by a public right of way.

- 13.2 If a Member considers that the only way in which they can make up their mind on an application or proposal is to see it from within the site, or property, itself, then they should seek prior permission from the land owner. The Councillor's identification badge should be carried on such visits.
- 13.3 Officers undertake site visits during the processing of all applications, but again, they need the permission of the applicant to enter property to view the site. If access is denied (which is unusual as it is in the interests of the applicant to enable the officers to process the application prior to determination, unless the applicant is not the site owner), advance written notice may be given to the applicant or landowner, under the provisions of the Town and Country Planning Act 1990, to enter the site. Permission must also be sought and given from adjoining property owners or occupiers, to enable application sites to be viewed from those properties. This is particularly relevant when a proposal may affect the adjoining property. Officers will also carry a Council identification badge.
- 13.4 The main purpose of a site visit is to give Members, and officers, knowledge of the site and its surroundings, in relation to a planning or other application, or other planning matter. A site visit is not part of the formal Planning Committee proceedings, and Members should use the visit for fact finding to obtain information about the site.
- 13.5 It is prudent for Members not to commit themselves as to the way in which they will vote on the application, as this should only occur at the Committee meeting when they are in possession of all the facts. Accordingly, Members should avoid entering into discussions with applicants or their agents, or with objectors/supporters, at the site visit.
- 13.6 Occasionally at a Planning Committee meeting, a Member, or Members, may, irrespective of the Ward they represent, request that the Committee defers making a decision until a subsequent meeting to enable a further site visit by Members, or an organised site visit by the Committee, to take place. This may be in the light of further information or additional representations that have been received which cannot be adequately expressed in the officers' written or updating report, the complexity of the proposal and its plans, the contentious nature of the proposal, difficulties of Members viewing the proposal from within the site or for the officers to take further legal advice. Members will only request a deferment where there is a substantial positive benefit in doing so.
- 13.7 In normal circumstances, Members will usually visit the site before the meeting, or following a deferment, either individually or with a fellow Member. With an organised site visit, this is arranged by the officers, in conjunction with the applicant/agent (as permission is normally required to gain access into the site) to

take place normally before the next meeting of the Committee. An officer will attend the organised site visit, which will be a fact finding, information gathering visit; it will not constitute part of the formal Committee meeting, and will not be used to make any form of decision on the application. As a result, Members should not make any comments on the planning merits or how they are minded to vote, and should avoid any opportunity to discuss the matter with either applicant, agent or third parties.

PLANNING COMMITTEE PROCEDURES

- 14.1 The Planning Committee normally meets on a Thursday evening, every three weeks, and the officers' reports and recommendations, including those on each application, together with the file, representations and consultations, will be available for inspection electronically at least five clear working days before the meeting.
- 14.2 The general premise of the Council and of the Planning Committee is that all reports and recommendations of the officers will be considered in open session, with the public and press present. Only in a few instances, where confidentiality is required, will a report, or reports, to any meeting be considered in 'private session', with the public and press excluded, under the provisions of Section 100A of the Local Government Act 1972 [*because it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act*]. Any matters falling under this heading will be set out on the agenda and open report to the relevant meeting.
- 14.3 Other than in exceptional circumstances, all planning and other applications submitted to the Planning Committee for decision will be considered in open session, with the public and press able to be present. [*see also section 16*].
- 14.4 Planning decisions should be made on the basis of the officers' written reports and recommendations, and having regard only to considerations that are material in planning terms. No final decision will be made on an application until all the time-scales for publicity, notification and consultation have expired.
- 14.5 It is often necessary for the officers to update verbally written reports at the meeting, for example, due to late receipt of consultation responses or additional letters of representation for or against an application. [*see also paragraph 12.2 above*]. In addition, Members sometimes seek further information from, or put questions to the officers, to clarify matters before they decide the application, and may request a deferment until a subsequent meeting to enable further information to be obtained or a further site visit to be undertaken.
- 14.6 There may be very rare occasions when the Chairman may be asked to rule that an additional item, or items, is raised as an urgent item. Such items, if they are accepted as urgent, will be included in the minutes of the meeting. No planning application will be considered as an urgent item, and will not be considered by the Committee unless, and until, the Committee has received a written report and recommendation from the officers.

- 14.7 Minutes of each Planning Committee meeting will be prepared and published approximately one week after the meeting, subject to agreement by the Committee at the next meeting that they are a correct record of the proceedings.
- 14.8 Pre-Committee briefing meetings between the officers and the Chairman and Vice-Chairman of the Planning Committee are held before each formal Committee meeting. This is always held after the agenda has been set and the officers' reports and recommendations made and published. No decisions are, or can be, made at these briefing meetings. The purpose of these meetings is to inform and brief the Chairman and Vice-Chairman on the reports and recommendations, to advise of any verbal updating at the Committee meeting that will be necessary, to afford them an opportunity to give notice to the officers of any potential problems, and f to seek from the officers further information for presentation at the meeting.

15 DECISION CONTRARY TO THE PLANNING OFFICER'S RECOMMENDATION AND/OR TO THE DEVELOPMENT PLAN

- 15.1 As mentioned in paragraph 3.3 above, the law requires that where the development plan is relevant, decisions should be taken in accordance with it unless material considerations indicate otherwise [*Section 38 of the Planning and Compulsory Purchase Act 2004*].
- 15.2 If it is intended to approve an application which is contrary to the provisions of the development plan, the material considerations which lead to this conclusion must be clearly identified, and how they justify overriding the development plan clearly demonstrated. The application may have to be referred to the Secretary of State for Communities and Local Government, depending upon the type and scale of the development proposed. If the officers have recommended approval, the justification should be set out clearly in full, in the written report to the Planning Committee.
- 15.3 Where the Planning Committee makes a decision contrary to the officers' recommendation (whether approval or refusal), the Committee must provide detailed reasons and justification for its decision; these will be fully minuted. The planning officers should also be given the opportunity to explain the implications of the contrary decision. The Committee's reasons should be clear and convincing; the personal circumstances of the applicant will rarely provide such grounds.

16 APPLICATIONS DELEGATED TO THE OFFICERS TO DETERMINE

- 16.1 Under the provisions of the Local Government Act 1972, the Council has delegated to the Head of Sustainable Development the authority to determine certain types of planning and other applications. Details of the current Delegation Scheme, which includes the limitations on the exercise of this authority, and the types of application to which the scheme relates, are set out in the Council's Constitution which is available on the Council's web site.

- 16.2 Subject to the exceptions set out in the Council's Constitution, all planning applications may be determined by officers under delegated powers if a District Councillor has not made a written referral to the Planning Committee.
- 16.3 Applications may receive a delegated decision of approval (even if there are objections from third parties) or refusal (even if there are letters of support), in both cases except as mentioned in paragraph 16.2 above. The Head of Sustainable Development will occasionally refer an application to the Committee for decision, and will also use his/her professional judgement in determining applications.

17 CONFIDENTIALITY

- 17.1 There are valid reasons why some planning information should remain confidential. Members and officers must not disclose confidential planning information which is prejudicial to the Council's interests, or its role as the Local Planning Authority, and they must not use such information for personal advantage. Paragraph 3(4) of the Members Code of Conduct places Members under an obligation to maintain the confidentiality of the Council's confidential information.

18 GIFTS AND HOSPITALITY

- 18.1 Planning decisions can result in huge increases in the value of land and property, so the probity and integrity of Members and officers involved are vital to the maintenance of public confidence in the planning system.
- 18.2 The Members Code of Conduct requires Members to declare a personal interest and notify the Monitoring Officer of the receipt of any gifts or hospitality with a value exceeding £50, so that details of the person from whom the gift or hospitality was received can be recorded in the Member's Register of Interests). Members (and officers) involved in the planning system **must not accept gifts, rewards, favours or hospitality from applicants, agents or third parties**, as this may be interpreted as an improper inducement, intended to secure a particular planning decision.
- 18.3 The offer of a gift, or invitation, to a Member from any one involved in the planning process must always be reported to the Monitoring Officer of the Council. The offer of a gift or invitation to an officer will be entered into the Gifts and Hospitality Register.
- 18.4 It is necessary to minimise any social contacts with known developers, and to refrain from such contacts, when developments and applications are proposed, or when controversial decisions are likely to be needed. In addition, it may be appropriate, in these circumstances, to declare an interest in any submitted application.

19 POLITICAL PARTIES

- 19.1 As a general rule, party politics should have no place in the consideration of individual planning applications. [*see also paragraph 7.10 above*].

20 COMPLAINTS AND RECORD KEEPING

- 20.1 In accordance with the Council's published Complaints Procedure, which is available on the Council's web site , if a member of the public, or applicant, wishes to complain about the Council's treatment of an application, in the first instance they should write to the Council's Development Control Manager. The complaint will be acknowledged in writing and will be investigated as quickly as possible; a written reply will be given.
- 20.2 If the complainant is not satisfied with the answer, the complaint should be referred to the Head of Sustainable Development, who will carry out an independent review of the matter and reply in writing to the complainant. Complainants who remain dissatisfied will be advised of their right to refer the complaint to the Chief Executive for a further review and if still dissatisfied they will be advised of their right to submit their complaint to the Local Government Ombudsman.
- 20.3 So that complaints can be fully investigated and, in any case, as a matter of general good practice, record keeping will be complete and accurate. Every planning application file must contain an accurate account of events throughout its life, with particular care being taken with regard to those applications that are likely to be determined by officers under delegated authority. Such decisions should be as well documented and recorded as those taken by the Planning Committee.
- 20.4 A record of all written complaints received by the Planning Division will be maintained on a separate file, and will be monitored regularly.

21 BREACH OF CODE

- 21.1 Any breach of this '**Code of Practice on Planning Matters**' will be reported to the Council's Monitoring Officer, who will investigate the matter and take such action as necessary including, where necessary, referring the matter to the Audit and Standards Committee of the Council.

22 SUMMARY/CONCLUSIONS

- 22.1 Serving as a Member of the Council, and as a Member of the Planning Committee, brings clear responsibilities to the whole community and not to any particular section of it. Similarly, the whole community has a right to expect Members, and the Council and Planning Committee, to consider matters transparently, impartially and fairly, having regard only to material planning considerations and disregarding any irrelevant considerations.
- 22.2 The same considerations set out in paragraph 22.1 above also apply to officers of the Council when they are determining planning applications.

May 2017

SECTION D - PROTOCOL ON MEMBER/OFFICER RELATIONS**1. INTRODUCTION**

- 1.1 The protocol is intended to be a framework to cover member and officer relations with one another and encourage good practice throughout the Council. It seeks to offer guidance and promote greater clarity and certainty but given the variety and complexity of situations involved, does not seek to be either prescriptive or comprehensive. If the Protocol is followed it should ensure that members receive objective and impartial advice and that employees are protected from accusations of bias and any undue influence from members. It also seeks to reflect the principles underlying the respective codes of conduct which apply to members and employees.
- 1.2 Members and officers should at all times treat each other with mutual respect and courtesy having regard to the Council's agreed Values and Behaviours. Close working relationships will obviously occur between senior members and employees involved in providing the service for which members are responsible. However such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the employees ability to deal impartially with other members and other party groups. Close personal friendship/relations should be avoided as they are likely to prove awkward for both fellow officers and members and are also likely to represent a personal or prejudicial interest of the member when the officer is involved in a matter which comes before the member for consideration/a decision.
- 1.3 If an employee is or becomes aware of any member action which conflicts with the principles of this Protocol he/she should be at liberty to make their Head of Service, Director or Chief Executive aware of the actions/s. In the event of a member having any reason to complaint about or doubt officers conduct or opinion the member should refer such complaint to the officer's Director or the Chief Executive as the member sees fit and should not seek to challenge the individual officer. The same applies should a member receive any complaint in relation to an officer from a member of the public.
- 1.4 This protocol should be read in conjunction with the Planning Code of Good Practice and the Protocol on Gifts and Hospitality and any other relevant policies of the Council, for example the Confidential Reporting Policy, the Whistleblowing Policy for Members and the Dignity at Work Policy.

2. THE CHIEF EXECUTIVE

- 2.1. The Chief Executive is the Head of Paid Service of the Council as a whole and his overriding responsibility is to the Council, and not to any political group.
- 2.2 The Chief Executive is nevertheless expected to work closely with the Cabinet for the time being and give them information, assistance and advice. Subject to remaining

politically neutral, he may develop a special relationship with the Cabinet and will not without the consent of the Cabinet Leader, disclose to any of the political groups on the Council any matters discussed with the Cabinet.

- 2.3. The political neutrality of the Chief Executive should be respected by everyone. He should not be asked to play any role or undertake any task which is likely to prejudice that neutrality, or make it difficult for him to serve a different Cabinet or majority political party at some future time.
- 2.4. All Members of the Council have a right of access to the Chief Executive. Where a Member requires some information and the Chief Executive considers the request reasonable and appropriate, the information will be provided as soon as possible. In other circumstances, the Chief Executive shall consult with the Chairman of the Council and the Cabinet Leader on the action to be taken.
- 2.5. The Chief Executive is free to give advice on a confidential basis about procedural matters to any Member. The Chief Executive is entitled to seek the advice of Monitoring Officer and the Chairman of the Council on procedural matters before responding to a request from a Councillor, although in such circumstances the Councillor would be informed first. It may be necessary to require the Member to keep the advice/information confidential.
- 2.6. The Chief Executive has a responsibility to ensure the effective scrutiny of the Council's programmes, projects and proposals. He will be expected to develop a working relationship with the Chairmen of the Overview Committees, particularly in providing support for the work programmes of the Committees, including the attendance of Officers and the provision of professional and technical advice.
- 2.7. The following principles govern the relationship between the Chief Executive and the various political groups on the Council:-
 - 1) It is proper for the Chief Executive to develop a working relationship with each Group on the Council;
 - 2) Except for matters referred to in Clause 1.2 above, the Chief Executive is free to provide information and answer procedural inquiries to Members of any Group;
 - 3) Matters discussed with any Group will not without their consent be disclosed to the Cabinet or any other political group.
 - 4) As a consequence of the duty owed by the Chief Executive to the Council as a whole, he will draw the attention of the Cabinet to any case where consideration should, in his opinion, be given to affording information, representation, or consultation to any political or other group.
- 2.8. In applying these principles to any given situation, the Chief Executive will have regard to the perceived customs of the Council, to any established traditions, and the

statutory and procedural rules set out in the Council's Constitution governing the rights of Minority Groups to information, consultation, or representation.

- 2.9. If the Chief Executive attends a meeting of any party political group, he will inform the leadership of the other Groups on the Council. He will ensure that the part he plays in the proceedings is consistent with his political neutrality. He will not attend political group meetings at which there are persons present who are neither elected Members nor Officers of the Council. At such meetings, Members will be expected to abide by normal declarations of interest rules.
- 2.10 In the event that a Cabinet comprises members of more than one political group, the principles set out above still apply. Officers are entitled to assume information can and should be shared within the Cabinet.

3. DIRECTORS AND HEADS OF SERVICE

- 3.1. The foregoing principles apply similarly to the Directors and all Heads of Service, who shall act under the general direction and after seeking advice of the Chief Executive as statutory Head of Paid Service. The Directors will be expected to develop a close working relationship with the Cabinet and attend its meetings. Heads of Service will attend as required. The Directors and all Heads of Service will be expected to attend, as required, meetings of the Overview Committees and full Council and any of its Committees or Sub-Committees.

4. CHIEF FINANCE OFFICER AND MONITORING OFFICER

- 4.1 Special responsibilities attach to the following statutory roles: -
- 1) Chief Finance Officer: in this Council, the Director of Resources; and
 - 2) Monitoring Officer: in this Council, Head of Legal and Democratic Services
- 4.2 The special roles of the Chief Finance Officer and the Monitoring Officer are described in Articles 11.3 and 11.4 of this Constitution.

5. OTHER EMPLOYEES

- 5.1 Although the considerations applicable to the Chief Executive, the Directors and Heads of Service affect other employees at different levels, the most senior employees, and those additionally closely associated with the political processes, are statutorily politically restricted and should be politically neutral. These other employees may attend meetings of full Council, the Cabinet or any of the Committees and Sub-Committees as the Chief Executive, or in their absence the Directors, shall determine.
- 5.2 It is also the duty of the Chief Executive, Directors and Heads of Service to ensure that the work and responses of employees are conducive to, and not undermining of, the

foregoing general principles. They are entitled to expect Members to respect political neutrality and the duties and limitations of employees.

5.3 It is also the duty of the Chief Executive, Directors and Heads of Service to arrange matters so that their employees properly understand the roles of Members and employees and the Council's approach to the relations between them. They are also entitled to expect Members to respect the degree of seniority of employees with whom they have dealings and the fact that, while those employees owe duties to the Council as their employer, they are first answerable to their line manager and their respective Head of Service, the Directors or the Chief Executive and not to any individual Member.

CHILTERN AND SOUTH BUCKS DISTRICT COUNCILS' EMPLOYEES CODE OF CONDUCT

Version control

Version	Owner	DATE	DESCRIPTION	REVIEW DATE
1	HR	01 01 16	Harmonised Employee Code of Conduct	01 02 18

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1. INTRODUCTION

The Councils exist to provide services to the public. The customers and communities we serve are entitled to expect the highest standard of conduct from employees of Chiltern and South Bucks District Councils. This code sets out the minimum standards of conduct that are expected from you as a Council employee. The aim of the Code is to set guidance for employees to help maintain and improve standards and protect employees from criticism or misunderstandings.

2. STATUS AND SCOPE OF THE CODE

This Code of Conduct applies to all employees and sets out what is expected from you in your daily work while employed by either Council. Wider workers such as agency workers, consultants and volunteers are also required to abide by the Code. Managers of these workers are responsible for ensuring they comply with the code.

The code does not affect your rights or responsibilities under the law. Its purpose is to provide clear and helpful advice to you. Because of the nature of your work, some parts of the code may apply more to some of your colleagues than to you. It is important you read the code and ask about anything that isn't clear as failure to comply with these standards will be viewed as misconduct and may give rise to disciplinary action.

If you have management responsibilities please ensure that your direct reports, including wider workers you are responsible for have access to this Code and that they are given opportunities for training/discussion where appropriate.

3. THE COUNCILS' VALUES AND PRINCIPLES OF PUBLIC LIFE

The Councils have agreed a set of shared values which all employees are expected to adopt and demonstrate in all Council related business. These can be found in the Councils' Business Plans.

How employees can put the Councils' Values into practice:

Governance and accountability: Accept personal responsibility for your decisions and actions. Provide the highest standards of service and act with integrity and transparency. Always act within the Councils' constitutions, policies and the law.

Equality and diversity: Respect the diversity, individuality and dignity of the people of Chiltern and South Bucks, and all those you come in contact with while working for the Councils, promoting equality and fairness for all.

Staff: Maintain and seek to improve professional knowledge and competence and where you have management responsibilities ensure that those working for you have the appropriate level of competence, supervision and support.

Working with others: Put customers first and work flexibly, innovatively and collaboratively with colleagues, Members and partners to the benefit of the communities of Chiltern and/or South Bucks

Personal responsibility: Work with partners and residents to promote personal responsibility and positive lifestyle choices.

Employees are also required to abide by "The Nolan Principles of Public Life". These are:

- **Selflessness:** You should not take any decisions which will result in any financial or other benefit to yourself, your family, or your friends. Decisions should be based solely on the best interests of the Councils.
- **Integrity:** You should not place yourself under any financial or other obligation to an individual or an organisation which might influence you in your work with the Councils.

- **Objectivity:** Any decisions must be made solely on merit, including making appointments, awarding contracts, or recommending individuals for rewards or benefits.
- **Accountability:** You are accountable for your actions and your part in making decisions, you must co-operate with whatever scrutiny is appropriate to your post.
- **Openness:** You should be as open as possible in all the decisions and actions that you take. You should give reasons for your decisions and should not restrict information, unless this is clearly required by Council policy or by the law.
- **Honesty:** Be truthful. You have a duty to declare any private interests which might affect or be perceived to affect your work with the Councils.
- **Leadership:** Actively promote and exhibit these principles by behaving in a way that gives people complete confidence in the Councils. Report/challenge poor behaviour.

4. GENERAL OBLIGATIONS:

The Councils' Obligation

The Councils will ensure:

- You are clear about what is expected of you
- You have a safe and healthy working environment
- You have a work environment that is free from discrimination, harassment or bullying
- You are offered relevant training and development

It is important to maintain conduct of the highest standard such that public confidence in your integrity is sustained. For the Councils to provide excellent services to the communities they serve it is vital that you understand your role and your responsibilities whilst at work and undertake your role in a safe and effective manner. Your role as an employee is to serve the Councils in providing impartial advice, implementing their policies and delivering services to the local communities. In performing your duties you should act in accordance with the Councils' Vision and Values, policies and procedures, all of which are available on the Councils' shared intranet. Please familiarise yourself with these together with your job description and annual objectives.

5. DISCLOSURE OF INFORMATION

The Councils' decision-making processes should be transparent and open. The Councils provide the public with clear and accessible information about how they operate. The Freedom of Information Act 2000 gives a right to access to information held by the Councils in accordance with their publication scheme. There is also a complaints procedure in place for the public to use when things go wrong. You may be required in the course of your duties to make certain information available to councillors, auditors, government departments or service users.

There are exceptions to the principle of openness where confidentiality is involved, and information may be withheld if, for example it would compromise a personal or commercial confidentiality, unless there is a legal duty to provide this information.

Employees should not use any information obtained while working for the Councils for personal gain or benefit, nor should they pass it on to others who might use it in such a way.

6. CONFIDENTIALITY

You are required to safeguard all confidential, commercially sensitive and personal data that you have access to and adhere to the Councils' Joint Data Protection and Confidentiality Policy. Confidential information obtained must only be used for Council business and only for the purpose it was obtained.

- You will not, without written consent, make personal use of or divulge to any unauthorised person confidential or sensitive information either during or after your employment.

- You will use your best endeavours to prevent the publication or disclosure of confidential information, unless this is in the proper performance of your duties.

7. INTELLECTUAL PROPERTY

Intellectual property includes inventions, patents, drawing, records, papers and other documents and papers relating to the Councils. If these were created or acquired by an employee during the course of their employment then they will remain the property of the Councils.

Knowledge and information held by the Councils is the property of the Councils and must not be used for other purposes including outside paid employment.

8. SECURITY OF INFORMATION

Use of the Councils' equipment, systems and network is provided as part of your role. You must adhere fully to the Councils' Joint ICT Security Policy. This details the standards expected from staff in protecting the security of information including standards on the use of the Internet, External E-mail, computer security, accessing files and data held on your computer. You are also required to comply with the Councils' Joint Data Protection and Confidentiality Policy and Social Media Policy.

9. POLITICAL NEUTRALITY

The public expects you to carry out your duties in a politically neutral way. Employees serve the Councils as a whole and must serve all councillors equally, not just a single political group. You must not allow personal or political opinions to interfere with your work and you are required to implement the decisions / policies of the Councils irrespective of your personal views. The Councils respect the rights of employees to hold personal or political opinions; employees should ensure that the expression of those opinions does not constitute a conflict of interest. Employees who have concerns about whether there is a potential conflict of interest should raise the matter with their manager.

If employees are asked by a councillor to provide assistance with a matter which is clearly party political, or does not have a clear link to the work of the Council, they should politely refuse and inform the councillor that the matter will be referred to their manager.

Some employees will have a close working relationship with councillors of the majority political group (or groups) which form the administration of the Council. Political groups may sometimes seek advice from Council employees. Where this occurs the Chief Executive must be informed in advance of any meeting or advice being given.

The political activities of a small number of staff are restricted by law. If your post is politically restricted this will be set out in your Statement of Particulars and you will need to comply with the statutory restrictions on your political activities. This includes not standing for elected office as a County, District or London Borough Councillor, MP or MEP, not writing, speaking or canvassing to affect public support for a political party and not holding office in a political party.

10. CONFLICT OF INTEREST

As a Council employee you must not undertake an act or omission which brings you into conflict with your employment or allow any private interest or opinions to influence your decisions at work. You must not use your position to further your own interests or the interests of others who do not have a right to benefit under the Councils' policies. You or a close family member/friend

may have a private interest which relates to the work of the Councils. That interest may be a financial one, or one which a member of the public might reasonably think could influence your judgement. All such interests must be declared to your line manager. If in doubt seek advice from your line manager.

10.1. RELATIONSHIPS WITH COUNCILLORS

Both councillors and employees are servants of the public and they are indispensable to one another, but their responsibilities are distinct. Employees are responsible to the Councils through their senior managers and in many cases they give advice to councillors. Mutual respect between employees and councillors is essential for good service provision. Close personal familiarity between employees and individual councillors can damage this relationship and should therefore be avoided. Employees should deal with councillors in a polite and efficient manner. You must not attempt to influence a councillor out of a personal motive and must report to your line manager if a councillor attempts to pressurise you to deal with a matter outside of the Councils' policies.

10.2. CONTACT WITH THE LOCAL COMMUNITY AND SERVICE USERS

All citizens and service users have a right to be treated with fairness and equity. You must be courteous, effective and impartial in dealing equitably and consistently with the public.

10.3. APPOINTMENTS/EMPLOYMENT MATTERS

Employees involved in appointments, decisions in relation to discipline, promotion or pay adjustments for other employees where a family relationship or a personal friendship exists must declare any potential conflict of interest to their line manager.

10.4. OUTSIDE INTERESTS/PAID EMPLOYMENT OUTSIDE THE COUNCIL

Generally, what you do outside of work is your own concern, however as a Council employee you need to take care that your private activities including your use of social media does not adversely affect the reputation of the Councils or put you in a position where there is a conflict of interest which may bring one of the Councils into disrepute.

The Councils will normally allow you to undertake paid employment in addition to your work for the Councils, unless there is a clear conflict of interest, or it is likely to have an adverse effect on the work of the Councils. For all Officers grade 5 and above there is a requirement in your Statement of Particulars for you to obtain approval from your Head of Service to take up any other additional employment or appointment. Depending on your role there may also be restrictions on the private work you may undertake. For all Officers below grade 5 it is advisable to first obtain approval before taking up any other role or outside appointment, this is in your interest and to protect you. Please note you are not allowed to use the equipment or resources of either Council in any other paid employment.

You must also seek consent from your Head of Service before accepting any voluntary position in which you are acting on behalf of either Council or where there may be a conflict of interest.

If you are a member of an organisation or club, and membership might result in a conflict of interest in relation to any aspect of your work with the Councils, you must declare this.

10.5. RELATIONSHIPS WITH SUPPLIERS, CONTRACTORS, PLANNING/LICENSING/GRANT APPLICANTS

All Council decisions including orders, contracts, grants, planning and licensing decisions must be made on merit and no special favour shown in the tendering or decision making process and no part of the community should be discriminated against. You must let your manager know of any relationship or beneficial interest which may affect or perceive to affect such a decision.

Officers purchasing goods/services are required to follow the Councils' Contracts Procedure Rules which set out the Councils' approach to dealing with all aspects of Procurement. You must declare any direct or indirect financial interest that you or a close family member/friend has or have previously had to your line manager. You should also declare any non-financial interests such as voluntary work for an organisation in receipt of a grant from the Councils.

If you are an employee involved in the tendering process and dealing with contractors you need to be clear on the separation of client and contactor role. Senior employees who have both a "client" and "contractor" responsibility in the tendering process must observe the requirement for accountability and even handedness in undertaking these two roles.

10.6. WHAT HAPPENS IF YOU ARE SUSPECTED/CONVICTED OF A FRAUDULENT, CRIMINAL OR CIVIL CONVICTION?

You will not be subjected to a detriment or face prejudicial treatment as a result of being the subject of an investigation by an official body, arrested or charged with a criminal offence. However, depending on the nature of the investigation/offence we may have to assess whether there is any conflict of interest and your suitability to continue to carry out your role.

You must tell your manager if at any time during your employment with the Councils you are the subject of an investigation by an official body, arrested or convicted of a criminal charge: this includes motoring offences with the exception of road traffic offences dealt with by way of a fixed penalty notice. We will then assess whether or not this affects your suitability to continue to carry out your role.

11. BRIBERY AND CORRUPTION

You need to be aware it would be considered corrupt for an employee to demand or accept any fee or reward other than their normal remuneration from anyone who may benefit from a decision, work, information or funding provided by the Councils. Please see section on gifts and hospitality below and ensure you comply with the Councils' Joint Anti-Fraud, Bribery and Corruption Policy.

Under the Bribery Act 2010 it is a criminal offence to offer or give someone a reward to induce them to perform an activity improperly or to accept or agree to accept a reward in return for performing a relevant activity improperly.

12. GIFTS AND HOSPITALITY

In the acceptance of any gift or hospitality you need to be sure you will not be subject to legitimate criticism, if you are in any doubt you should seek advice from your line manager. You need to be careful as even with the best intentions, people could legitimately think gifts or hospitality might influence, or be intended to influence your judgement. You must follow the Councils' procedure for declaring gifts and hospitality including any authorisation required.

You should not accept significant personal gifts from contractors, suppliers or members of the public, although you may keep items of token value such as pens, diaries etc. Offers to attend

social or sporting functions should be accepted only when they are part of the life of the community or where either Council would be expected to be represented.

13. SPONSORSHIP

Where an outside organisation wishes to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. Particular care must be taken when dealing with contractors or potential contractors.

Where either Council wishes to sponsor an event neither an employee nor close family/friend must benefit from such sponsorship in a direct way without there being full disclosure to your line manager of any such interest.

14. COUNCIL RESOURCES

You have a responsibility to make sure that the Councils use their resources prudently and in accordance with the law. Please remember this principle when you use Council equipment, materials and resources, in order to ensure value for money. You should not utilise property, vehicles or other facilities of the Councils for personal use unless authorised to do so.

Some limited personal use of telephones, photocopiers and computers is permitted provided you have your manager's permission. This use should be restricted to outside of working hours, e.g. in your lunch break, except in urgent or exceptional circumstances. Please refer to your Council's Acceptable Use policies.

15. USE OF FINANCIAL RESOURCES

The use of public funds entrusted to employees is to be used in a responsible and lawful manner. You should strive to ensure value for money to the local community and to avoid legal challenge to the Councils. Care should be taken in dealing with the Councils' financial resources and any errors or fraud should be reported. If you have responsibility for budgets or purchasing you must ensure you understand and comply with the Councils' Standing Orders and Financial Procedure Rules.

16. PRODUCTIVITY AT WORK

Residents may reasonably expect the highest standards of productivity from all those who work for the Councils. Personal activities should be kept to a minimum whilst working, for example this will include non-urgent private phone calls, text messaging and private internet activities.

17. CONTACT WITH THE MEDIA

In your work with the Councils, contact with the media should only take place where this has been authorised by the Councils. Please take advice from the Communications, Performance and Policy Team and ensure all press releases are issued via the Communications, Performance and Policy Team. Any subjects that appear to have legal implications should also be referred to the Legal Services Team.

As a citizen, you are entitled to express your views about the Councils provided you do not make use of any information gained through your work with either Council. It is advisable to take care in making any comments and to take all reasonable steps to ensure it is seen as representing your personal views as a private citizen.

18. EQUALITY ISSUES

One of the Councils' Values is equality and diversity. All members of the local community, councillors and employees have a right to be treated with fairness and equity and we ask all employees to endeavour to promote best practice in this area at all times. You are required to comply with the Councils' Equality Policies in addition to the requirements of the law.

19. HEALTH AND SAFETY

The Councils are committed to promoting a healthy and safe working environment. You are expected to know and to comply with all Health and Safety policies available on the joint intranet site and you have an obligation to take reasonable care of your own safety and for the safety of others who may be affected by your actions/omissions.

In the event of an accident or near miss involving yourself, a colleague or customer you should follow the accident reporting procedure. If you are involved in an incident involving a possible claim against either Council or an individual, you should not admit liability; the decision as to legal liability rests with the Councils' insurers.

20. SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

The Councils are committed to best practice with regards safeguarding the health, wellbeing and human rights of children and vulnerable adults. If during the course of your duties you have any concerns about the treatment of a child or vulnerable adult you must contact your manager and the designated officer, currently Martin Holt, Head of Healthy Communities, immediately. It is important any concerns are reported via the proper channels in accordance with the Councils' Joint Safeguarding Policy.

The Councils will determine which posts require a DBS (Disclosure and Barring Service) check. Where an employee is questioned, cautioned or arrested on a safeguarding matter they should notify their Director immediately.

21. REPORTING BREACHES OF THE CODE AND WHISTLEBLOWING

Employees are expected, in accordance with procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of services. A separate Joint Whistle Blowing Policy has been developed to enable staff and others to voice concerns.

SECTION F - PROCEDURE FOR SPEAKING AT PLANNING COMMITTEE

1 REPRESENTATIONS TO THE PLANNING COMMITTEE BY PARISH COUNCILS

When a planning application proposes development within a particular Town or Parish Council's administrative area then that Town or Parish Council may make representations to the Planning Committee immediately prior to the Committee's consideration of that application for the first time, subject to compliance with the following conditions:-

- 1) The Council has already received written representations from the relevant Town or Parish Council on the relevant planning application at the formal consultation stage;
- 2) Notice of each planning application on which the relevant Town or Parish Council intends to make representations and the name of the person duly authorised by the Town or Parish Council to make such representations (hereinafter called "the Authorised Representative") has been given to the proper officer in writing or by electronic means at least three working days prior to the meeting of the Planning Committee at which the relevant application is to be considered (including the date of the meeting itself);
- 3) The Authorised Representative is not also an elected member of the Council
- 4) Representations are limited to a maximum of three minutes on any planning application and confined to an explanation of the written representations already made at the formal consultation stage. No questions will be permitted and the Planning Committee will not engage in a debate although the Chairman of the Planning Committee may seek clarification of any aspect of the representation and may grant an extension of time not exceeding one minute for that purpose. That representations have been made will be recorded in the minutes of the meeting of the Committee

Note – the Proper Officer for the purposes of this Rule is the Head of Sustainable Development

2. REPRESENTATIONS TO THE PLANNING COMMITTEE BY DISTRICT COUNCILLORS WHO ARE NOT MEMBERS OF THE PLANNING COMMITTEE

Any District Councillor who is not a member of Planning Committee may attend and make representations to the Planning Committee immediately prior to the Committee's consideration of that application (but not vote) subject to compliance with the following conditions:-

- 1) The District Councillor indicates to the Chairman that he/she intends to make representations in advance ;
- 2) Representations are limited to a maximum of five minutes on any planning application – any extension at the Chairman’s discretion. That representations have been made will be recorded in the minutes of the meeting of the Committee.

Note – the Proper Officer for the purposes of this Rule is the Head of Sustainable Development

3 REPRESENTATIONS TO THE PLANNING COMMITTEE BY MEMBERS OF THE PUBLIC

In addition to the permissive rights conferred on representatives of Town and Parish Councils by Rule 20 of these Procedure Rules, up to two members of the public (for the avoidance of doubt excluding all Town and Parish Councillors) shall also be permitted to make representations to the Planning Committee immediately prior to the consideration of an application for planning permission (whether in outline or in detail) PROVIDED that the person wishing to make representations (in this Rule called “the Representor”)

- 1) has already made written representations concerning the application on which he intends to make representations prior to the publication of the Agenda for the meeting on which that application is to be considered by the Planning Committee for the first time; and
- 2) intends to represent either the supporters of, or the objectors to, that application; and
- 3) has given notice to, the proper officer in writing or by electronic means that he is either a supporter of or an objector to the application and of his intention to make representations thereon; and
- 4) the notice referred to in paragraph 3) above is received by the proper officer or such other person as he shall nominate after the date of publication of the Agenda referred to in paragraph 1) above but not later than three working days prior to the date of the meeting of the Planning Committee (including the date of the meeting itself); and
- 5) no other person has already given a valid notice to the proper officer disclosing

an intention to represent the same person(s) or interest(s) as the Representor (meaning that only one supporter of and one objector to the application shall be permitted to make representations to the Planning Committee)

Representations to the Planning Committee shall be limited to a maximum of three minutes and confined to an explanation of the written representations referred to in paragraph 1) above. Questions shall not be permitted and the Planning Committee will not engage in a debate although the Chairman of the Planning Committee may seek clarification of any aspect of the representation and may grant an extension of time not exceeding one minute for that purpose. That representations have been made will be recorded in the minutes of the meeting of the Committee.

Note

The proper officer for the purpose of this Rule is the Head of Sustainable Development.

Code of Corporate Governance

Definition of Governance

Governance comprises the arrangements put in place to ensure that the intended outcomes for stakeholders are defined and achieved.

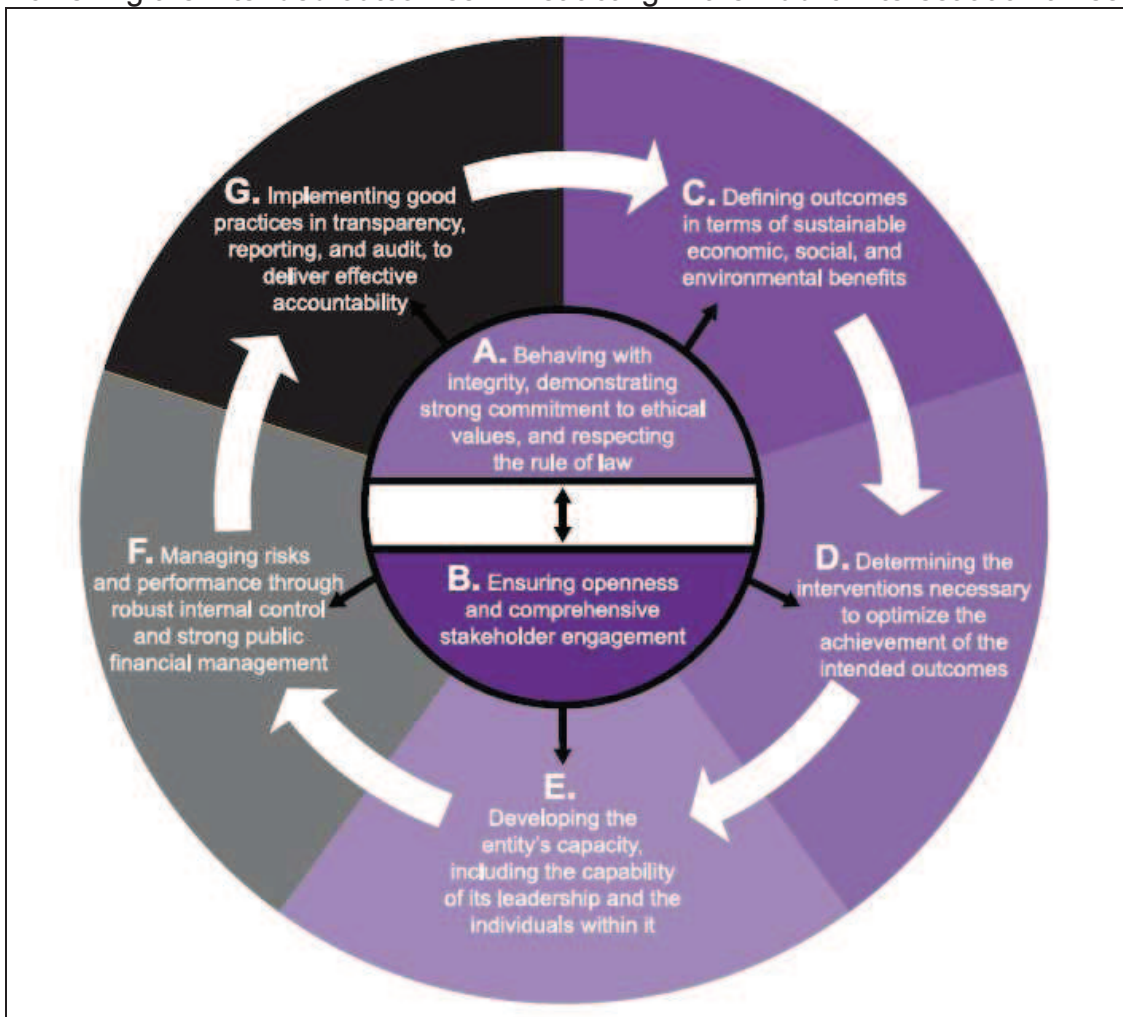
Source: International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014).

Our Approach to Governance

We believe that to deliver good governance, both the Council and individuals working for the Council must try to achieve our objectives while acting in the public interest at all times.

We do this by applying the following framework where Principles A and B permeate implementation of principles C to G.

Governance Framework:
Achieving the intended outcomes whilst acting in the Public Interest at all times.



Source: International Framework: Good Governance in the Public Sector (CIPFA/IFAC, 2014).

Good governance is also dynamic, and we are committed to improving governance on a continuing basis through a process of evaluation and review.

How we Deliver Good Governance

We aim to deliver good governance by carrying out the actions in the following table to meet each of the core Governance principles.

Core Principle	Actions
<p>A. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law</p> <p>Local government organisations are accountable not only for how much they spend, but also for how they use the resources under their stewardship. This includes accountability for outputs, both positive and negative, and for the outcomes they have achieved. In addition, they have an overarching responsibility to serve the public interest in adhering to the requirements of legislation and government policies. It is essential that, as a whole, they can demonstrate the appropriateness of all their actions and have mechanisms in place to encourage and enforce adherence to ethical values and to respect the rule of law.</p>	<p>Behaving with integrity We will:</p> <ul style="list-style-type: none"> • Maintain and enforce a Member Code of Conduct. • Maintain and enforce an Employee Code of Conduct. • Ensure new Members and staff are briefed on the Codes of Conduct. • Have a clear system for performance management applying to all employees. • Declare and record any vested interests at meetings. • Conduct meetings in an open and inclusive manner. • Ensure a committee has specific responsibility for standards matters. • Maintain and enforce an Anti-Fraud, Bribery and Corruption Policy. • Maintain an up to date register of interests for Members and staff. • Maintain an up to date register of gifts and hospitality. • Maintain a whistleblowing policy. • Maintain a complaints policy, taking complaints seriously, and acting on these when appropriate. <p>Demonstrating strong commitment to ethical values We will:</p> <ul style="list-style-type: none"> • Set out and follow our core Values, which underpin how we behave. • Appoint staff based on merit alone. • Ensure our Contract Procedure Rules are fair, open and transparent. • Require our partners to act with integrity and comply with high ethical standards. <p>Respecting the rule of law We will:</p> <ul style="list-style-type: none"> • Follow all applicable legislation and statutory guidance. • Maintain and follow our constitution. • Comply with CIPFA's Statement on the Role of the Chief Financial Officer in Local Government (CIPFA, 2015). • Ensure legal advice is sought when necessary, and will formally record this advice. • Appoint a statutory Monitoring Officer, and support them to discharge their function effectively. • Ensure effective arrangements are in place for the discharge of the Head of Paid Service function.
<p>B. Ensuring openness and</p>	<p>Openness</p>

Core Principle	Actions
<p>comprehensive stakeholder engagement</p> <p>Local government is run for the public good, organisations therefore should ensure openness in their activities. Clear, trusted channels of communication and consultation should be used to engage effectively with all groups of stakeholders, such as individual citizens and service users, as well as institutional stakeholders.</p>	<p>We will:</p> <ul style="list-style-type: none"> • Produce and publish an Annual Report on our performance. • Maintain a Freedom of Information Act publication scheme. • Maintain a website and publish key information about the Authority on this. • Formally record decisions taken, and make these available to the public. • Provide clear reasoning and evidence for all decisions. • Maintain a calendar of dates for meetings with advance notice of key decisions to be taken. <p>Engaging comprehensively with institutional stakeholders</p> <p>We will:</p> <ul style="list-style-type: none"> • Consult institutional stakeholders when appropriate on key decisions, and listen to the feedback. • Maintain a communications strategy. • Work in an open and inclusive manner with partners. <p>Engaging with individual citizens and service users effectively</p> <p>We will:</p> <ul style="list-style-type: none"> • Consult citizens and service users when appropriate on key decisions, and listen to the feedback. • Maintain a communications strategy. • Seek to effectively consult with vulnerable and hard to reach groups. • Maintain a record of public consultations.
<p>C. Defining outcomes in terms of sustainable economic, social, and environmental benefits</p> <p>The long-term nature and impact of many of local government's responsibilities mean that it should define and plan outcomes and that these should be sustainable. Decisions should further the authority's purpose, contribute to intended benefits and outcomes, and remain within the limits of authority and resources. Input from all groups of stakeholders, including citizens, service users, and institutional stakeholders, is vital to the success of this process and in balancing competing demands when determining priorities for the finite resources available.</p>	<p>Defining outcomes</p> <p>We will:</p> <ul style="list-style-type: none"> • Work with our partners to create a vision for the area. • Work with our partners to produce a Sustainable Community Strategy for the area. • Publish a forward looking Business Plan. • Produce annual service plans. • Regularly monitor progress with achieving our aims and objectives. <p>Sustainable economic, social and environmental benefits</p> <p>We will:</p> <ul style="list-style-type: none"> • Consider and balance the economic, social and environmental impact of our actions. • Consider the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits. • Consider long term implications when making decisions. • Ensure fair access to our services for all users.
<p>D. Determining the interventions necessary to optimise the</p>	<p>Determining interventions</p> <p>We will:</p>

Core Principle	Actions
<p>achievement of the intended outcomes</p> <p>Local government achieves its intended outcomes by providing a mixture of legal, regulatory, and practical interventions. Determining the right mix of these courses of action is a critically important strategic choice that local government has to make to ensure intended outcomes are achieved. They need robust decision-making mechanisms to ensure that their defined outcomes can be achieved in a way that provides the best trade-off between the various types of resource inputs while still enabling effective and efficient operations. Decisions made need to be reviewed continually to ensure that achievement of outcomes is optimised.</p>	<ul style="list-style-type: none"> • Ensure alternative options are presented and objectively considered, to ensure best value is achieved. For instance in reports seeking decisions. • Consider the risks associated with alternative options. • Consider feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources. • Maintain a fair and proportionate corporate enforcement policy and follow this at all times. <p>Planning interventions We will:</p> <ul style="list-style-type: none"> • Operate an annual planning and control cycle to deal with strategic and operational plans, priorities and targets. • Engage / involve internal and external stakeholders and partners as appropriate. • Set and monitor key performance indicators / targets. • Maintain and follow a formal project management framework. • Be prepared to change and adapt, to deal with changing circumstances. <p>Optimising achievement of intended outcomes We will:</p> <ul style="list-style-type: none"> • Balance service priorities, affordability and other resource constraints. For instance by use of our Cost, Quality and Resilience triangle. • Take account of the full cost of operations over the medium and longer term. • Consider 'social value' and comply with the Public Services (Social Value) Act 2012
<p>E. Developing the entity's capacity, including the capability of its leadership and the</p>	<p>Developing the entity's capacity We will:</p> <ul style="list-style-type: none"> • Regularly review our activities, outputs and planned outcomes.

Core Principle	Actions
<p>individuals within it</p> <p>Local government needs appropriate structures and leadership, as well as people with the right skills, appropriate qualifications and mindset, to operate efficiently and effectively and achieve their intended outcomes within the specified periods.</p> <p>A local government organisation must ensure that it has both the capacity to fulfill its own mandate and to make certain that there are policies in place to guarantee that its management has the operational capacity for the organisation as a whole.</p> <p>Because both individuals and the environment in which an authority operates will change over time, there will be a continuous need to develop its capacity as well as the skills and experience of the leadership of individual staff members.</p> <p>Leadership in local government entities is strengthened by the participation of people with many different types of backgrounds, reflecting the structure and diversity of communities.</p>	<ul style="list-style-type: none"> • Improve resource use through appropriate application of techniques such as Peer Review / benchmarking. • Work in partnership with others, where added value can be achieved. • Develop a workforce plan and an organisational development strategy. <p>Developing the capability of the entity's leadership and other individuals</p> <p>We will:</p> <ul style="list-style-type: none"> • Maintain up to date job descriptions for all staff. • Maintain a Protocol on Member / Officer Relations. • Maintain an up to date scheme of delegation. • Invest in Member and staff training. • Maintain our Investors in People (IIP) accreditation. • Hold staff to account through regular performance reviews which take account of training or development needs. • Implement appropriate human resource policies.
<p>F. Managing risks and performance through robust internal control and strong public financial management</p>	<p>Managing risk</p> <p>We will:</p> <ul style="list-style-type: none"> • Consider risk as an integral part of all activities. • Maintain an up to date Risk Management Strategy.

Core Principle	Actions
<p>Local government needs to ensure that the organisations and governance structures that it oversees have implemented, and can sustain, an effective performance management system that facilitates effective and efficient delivery of planned services.</p> <p>Risk management and internal control are important and integral parts of a performance management system and crucial to the achievement of outcomes.</p> <p>Risk should be considered and addressed as part of all decision making activities.</p> <p>A strong system of financial management is essential for the implementation of policies and the achievement of intended outcomes, as it will enforce financial discipline, strategic allocation of resources, efficient service delivery, and accountability.</p> <p>It is also essential that a culture and structure for scrutiny is in place as a key part of accountable decision making, policy making and review.</p> <p>A positive working culture that accepts, promotes and encourages constructive challenge is critical to successful scrutiny and successful delivery.</p> <p>Importantly, this culture does not happen automatically, it requires repeated public commitment from those in authority.</p>	<ul style="list-style-type: none"> • Maintain up to date Risk Management Guidance. • Maintain up to date Risk Registers. • Allocate a senior officer with overall responsibility for risk management. • Maintain up to date business continuity plans. • Report at least annually to the Committee responsible for Risk Management. <p>Managing performance</p> <p>We will:</p> <ul style="list-style-type: none"> • Monitor our performance and regularly report on progress. • Compare our performance against others by using benchmarking, cost comparisons etc. • Ensure an effective scrutiny function is in place. For instance we will maintain at least one scrutiny committee, independent of the executive. • Proactively work with / manage our contractors to ensure agreed outputs are delivered and services improved. <p>Robust internal control</p> <p>We will</p> <ul style="list-style-type: none"> • Maintain effective internal control processes. • Maintain an effective internal audit service. • Work constructively with external audit. • Maintain an Audit Committee, independent of the Executive. • Report the audit plans and audit reports to the Audit Committee. <p>Managing data</p> <p>We will:</p> <ul style="list-style-type: none"> • Maintain appropriate data management policies and procedures. • Designate a senior officer with overall responsibility for data management. • Maintain appropriate data protection policies. • Maintain appropriate data sharing protocols. • Maintain appropriate data quality procedures. <p>Strong public financial management</p> <p>We will:</p> <ul style="list-style-type: none"> • Maintain an up to date Medium Term Financial Strategy. • Maintain up to date Financial Procedure Rules. • Prepare robust budgets taking account of our objectives, strategies and our medium term financial plan. • Carry out regular budget monitoring.
<p>G. Implementing good practices in transparency, reporting, and audit to deliver effective accountability</p>	<p>Implementing good practice in transparency</p> <p>We will:</p> <ul style="list-style-type: none"> • Write and communicate reports for the public and other stakeholders in an understandable style. • Try to provide the right amount of information, striking a balance

Core Principle	Actions
<p>Accountability is about ensuring that those making decisions and delivering services are answerable for them.</p> <p>Effective accountability is concerned not only with reporting on actions completed, but also ensuring that stakeholders are able to understand and respond as the organisation plans and carries out its activities in a transparent manner.</p> <p>Both external and internal audit contribute to effective accountability.</p>	<p>between transparency and understandability.</p> <ul style="list-style-type: none"> • Comply with the Government's Local Government Transparency Code. <p>Implementing good practices in reporting</p> <p>We will:</p> <ul style="list-style-type: none"> • Produce and publish an Annual Report. • Produce and publish annual Financial Statements. • Produce and publish an Annual Governance Statement. <p>Assurance and effective accountability</p> <p>We will:</p> <ul style="list-style-type: none"> • Act on agreed recommendations. • Comply with CIPFA's Statement on the Role of the Head of Internal Audit (2010). • Comply with Public Sector Internal Audit Standards. • Work constructively with inspection agencies.

**CHILTERN DISTRICT COUNCIL
SCHEME OF MEMBERS' ALLOWANCES 2017/18**

GUIDANCE NOTES FOR MEMBERS

In accordance with the Local Authorities (Member's Allowances) (England) Regulations 2003 (Statutory Instrument 2003 No 1021) it was agreed at the Council meeting held on 28 February 2017 that the 2016/17 scheme automatically adjusts by 1% to create the 2017/18 scheme. The 2017/18 scheme is effective from 1 April 2017 and is set out below.

1. The allowances approved for the financial year 2017/2018 are as follows:

Post holder	Amount (£)
Basic Allowance (all Members)	4,646
Chairman of the Council	4,878
Vice-Chairman of the Council	1,951
Leader	13,473
Deputy Leader	6,737
Other Portfolio Holders	5,808
Chairmen of Overview Committees (2)	2,927
Chairman of Planning Committee	4,878
Vice-Chairmen of Planning Committee	1,394
Chairman of Licensing & Regulation Committee	2,323
Chairman of Audit & Standards Committee	697
Chairman of Governance & Electoral Arrangements Committee	186 (per meeting) **
Chairman of Appeals & Complaints Committee	186 (per meeting) **
Chairman of Personnel Committee	186 (per meeting) **
Chairman of Taxi & Private Hire Sub-Committee*	186 (per meeting) **
Chairman of Licensing Sub-Committee*	186 (per meeting) **

Miscellaneous:- Ordinary members of a Licensing Sub-Committee (including reserve) *	46 (per meeting)**
Ordinary members of a Taxi & Private Hire Sub-Committee (including reserve) *	46 (per meeting)**
Ordinary members of Planning Committee (11)	697
Party Group Leader/Secretary 4+ Members	929

Limitations on Payment of Special Responsibility Allowances:

* No Restriction – except the Chairman and Vice-Chairman of the Licensing & Regulation Committee are not eligible to receive the per meeting allowance for Taxi & Private Hire / Licensing Sub Committee meetings

** For the avoidance of doubt the relevant per meeting Special Responsibility Allowance for Chairman shall be payable to the Member chairing the meeting.

2. OTHER ALLOWANCES

Members may make claims for the following expenditure:

2.1. Travelling

The use of a Member's car, motorcycle or bicycle for approved duties will be paid at the same rate as the officers, i.e. the rate published from time to time by HM Revenue and Customs: www.hmrc.gov.uk/rates/travel.htm. The agreed rates as of March 2015 are as follows:

Cars and vans	45p per mile
Motor cycles	24p per mile
Bicycles	20p per mile

The shortest route must be taken. Mileage must be rounded to the nearest whole number.

In respect of long distance journeys, Members should claim standard second class rail travel fare where this is less than the equivalent mileage claim.

In cases of emergency where a Member's car is not available and there is no reasonable public transport a Member may travel by taxi. The amount of the actual fare and any reasonable gratuity paid may be claimed.

Members are asked to share cars when more than one Member is attending the same event.

Members should ensure that their vehicle insurance policy covers use for business purposes.

Claim forms should clearly state the:

- vehicle registration number;
- start point and destination for the journey;
- reason for the journey, ensuring this is within the approved duties listed above; and,
- number of miles claimed at the appropriate rate.

2.2. Public Transport

- Members should use the Council's Oyster card when travelling by train into London. This can be obtained from Democratic Services and should be returned after use.
- Train fares for approved duties will be paid at standard second class rate on production of a receipt/ticket.
- Bus fares for approved duties will be paid on production of a receipt/ticket.
- Approved taxi fares will be paid on production of a receipt.

Mileage/travel claims submitted by Members will be checked by Democratic Services against the guidelines and authorised for payment by the Chief Executive or his deputy. If any claims are refused or amended, Members will be advised by email of the reason.

Travel payments are not taxable.

2.3. Subsistence

Members incurring additional expense in the course of carrying out approved duties in respect of meals or overnight accommodation will be reimbursed approved expenses subject to evidence of expenditure being produced. The agreed rates are the same at the Officer Scheme:

Subsistence allowances	Breakfast	£7.24
	Lunch	£9.99
	Tea	£3.97
	Evening Meal	£12.36
Out of pocket expenses	Per Night	£5.00
	Per Week	£20.00
Overnight expenses	Per Night	Reasonable hotel expenses

Any meals provided free of charge by the Council or any other body cannot be claimed.

Claim forms should:

- show details of the claim, e.g. lunch purchased at meeting - £9.99.
- include a receipt for the amount claimed.

Subsistence payments are not taxable.

2.4. Dependent Carers' Allowance

A Dependent Carers' Allowance will be payable where members have responsibility for the care of a young, elderly or disabled dependant and need to engage the services of an alternative carer in order to discharge any of the approved duties defined in part 3.

The maximum rate at which dependent care may be claimed is:

£8.00	per hour for child care
£14.00	per hour for adult/elderly/disabled dependent care

Payment is subject to the production of proof of expenditure and an overall limit of £2,250 in the financial year to which this Scheme relates.

Payment would not normally be made where dependent care is, or can be, provided by a member of the claimant's household.

Claim forms should:

- show details of the claim e.g. babysitting x hours @ £8.00 per hour
- include a receipt for the amount claimed.

Payment of Dependent Carers' Allowance is taxable.

3. APPROVED DUTIES

Travelling and Subsistence Allowances will be payable at the rates paid to officers of the Council in connection with the following duties (known as "approved duties"):

1. Attendance at a meeting of the Council;
2. Attendance at a meeting of a committee or sub-committee of the Council;
3. Attendance at a meeting of a joint committee or joint sub-committee of the Council;
4. Attendance by the Chairman and/or Vice Chairman of the Council and the Party Group Leaders at a meeting with officers of the Council held for the purpose of briefing the Chairman and/or Vice Chairman on the agenda and reports to be presented to a forthcoming meeting of the Council;
5. Attendance by the Chairman and/or Vice Chairman of a committee or sub-committee of the Council at a meeting with officers of the Council held for the purpose of briefing the Chairman and/or Vice Chairman on the agenda and reports to be presented to a forthcoming meeting of the committee or sub-committee, as the case may be;
6. Attendance at a meeting of the Cabinet;
7. Attendance at a meeting of a committee or sub-committee of the Cabinet;
8. Attendance at a meeting of a joint committee or joint sub-committee of the Cabinet;
9. Attendance by members of the Cabinet at a pre-arranged meeting with officers of the Council held for the purpose of briefing the Cabinet on the agenda and reports to be presented to a forthcoming meeting of the Cabinet;
10. Attendance by members of the Cabinet at pre-arranged informal meetings of the Cabinet held for the purpose of, or in connection with, the discharge of any function of the Cabinet or a committee or sub-committee of the Cabinet;
11. Attendance at pre-arranged formal meetings called by an officer;
12. Attendance as a member of the Planning Committee at formal or informal site visits;

13. Attendance at seminars and training events approved by the Council or the Cabinet or by a committee or sub-committee of the Council or the Cabinet Provided that attendance at external conferences and training events shall also be authorised by the Chief Executive;
14. Attendance at pre-arranged meetings with Management Team held for the purpose of, or in connection with, the discharge of any function of the Council or the Cabinet or of a committee or sub-committee of the Council or the Cabinet;
15. Attendance at a meeting of a body to which the Council or the Cabinet makes appointments or nominations;
16. Attendance at a meeting of a committee or sub-committee of a body to which the Council or the Cabinet make appointments or nominations;
17. Attendance as a district councillor at meetings of the Town or Parish Council(s) active in the Councillor's ward;
18. Attendance as a district councillor at meetings of the Neighbourhood Action Groups (NAG) and Local Area Forums;
19. Attendance at a of meeting of a local authority association of which the Council is a member;
20. Attendance at any other meeting the holding of which has been authorised by the Council or the Cabinet or by a committee or sub-committees of the Council or the Cabinet, or by a joint committee or joint sub-committee of the Council or the Cabinet and to which representatives of more than one political group have been invited;
21. Duties undertaken on behalf of the Council in pursuance of any standing order requiring a member or members to be present while tender documents are opened;
22. Duties undertaken on behalf of the Council in connection with the discharge of any function of the Council conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
23. Duties undertaken on behalf of the Council in connection with witnessing the common seal of the Council or the signing of any legal contractual, regulatory or consultative document that a member is authorised or empowered to sign;

24. Duties undertaken on behalf of the Council in connection with the preparation for and conduct of a local inquiry at which a member will give evidence on behalf of the Council.

The following are **not approved duties** in respect of claims for travel, subsistence or dependent carers' allowance:

1. Attendance at the Council Offices for discussions with Members or Officers as part of the normal working day – unless pre-arranged with officers.
2. Attendance at conferences or meetings not approved by Committee or the Chief Executive.
3. Attendance at training courses not approved by Committee or the Chief Executive.
4. Attendance at Group meetings.

4. PENSIONS

The Council has maintained its resolve that members shall not be entitled to join the Local Government Pension Scheme and that basic and special responsibility allowances shall not be treated as amounts in respect of which pensions are payable.

5. FORGOING ALLOWANCES

Any member shall be entitled to forgo entitlement to any or part of his or her allowances by giving notice in writing to the Chief Executive.

6. DURATION OF SCHEME

This Scheme will take effect on 1 April 2017 and continue in force to 31 March 2018.

7. REVIEW OF SCHEME

The Independent Review of Members Allowances Panel will next meet in autumn 2017 to consider the Scheme of Allowances for 2018-19. However, any amendments to this Scheme must be made following consideration of the further report and recommendations of the Independent Review of Members Allowances Panel and in accordance with Regulation 10 of The Local Authorities (Members' Allowances) (England) Regulations 2003.

8. CLAIMS AND PAYMENT

The Basic Allowance and the annual Special Responsibility Allowances (SRAs) are payable pro-rata in equal monthly instalments over the Scheme year via the Council's payroll system. The per meeting SRAs are payable the month following the meeting. Payment of the Basic Allowance and SRAs will be made automatically, unless a Member indicates that they wish to forgo their allowances. The Council shall be entitled to make such deductions at source in respect of income tax, national insurance and other matters as it is authorised or required to do by order of HM Revenues and Customs or an English Court.

9. ADMINISTRATION OF SCHEME

The administration of this Scheme shall be the responsibility of the Chief Executive.

In consultation with the Head of Finance, the Chief Executive shall be entitled to introduce such guidance notes and forms and impose such requirements for making and proving claims for travelling and subsistence and dependant carers' allowances as are reasonably necessary for the efficient administration of the Scheme and for the internal and external audit of claims.

When a Member is elected he/she will be provided with a *Member Commencing Form* for completion and return to Finance. This includes details of the Member's bank / building society in order for monthly expenses to be paid. All Members are required to supply their date of birth on the form. Members over pension age (60 for women and 65 for men), are also asked to supply a photocopy birth certificate or other proof of age. This will ensure that National Insurance contributions are not deducted from allowances.

Allowances will be paid automatically on the 15th of each month unless a Member requests the Council on the *Member Commencing Form* not to pay allowances or to pay at a reduced amount.

9.1 Member Claim Form

Claims for allowances should be made using the appropriate form. This is available from: www.chiltern.gov.uk/councillors

Forms should be submitted to Democratic Services via email to: democraticservices@chiltern.gov.uk or via a paper form.

9.2 Claim Deadline

Meetings held on			Claim form deadline	Payment made
26 January	to	25 February	27 February	15 March
26 February	to	25 March	27 March	15 April
26 March	to	25 April	27 April	15 May
26 April	to	25 May	27 May	15 June
26 May	to	25 June	27 June	15 July
26 June	to	25 July	27 July	15 August
26 July	to	25 August	27 August	15 September
26 August	to	25 September	27 September	15 October
26 September	to	25 October	27 October	15 November
26 October	to	25 November	27 November	15 December
26 November	to	25 December	27 December	15 January
26 December	to	26 January	27 January	15 February

- Claims more than three months old will not be met.
- No claims will be met if submitted after the end of the financial year.

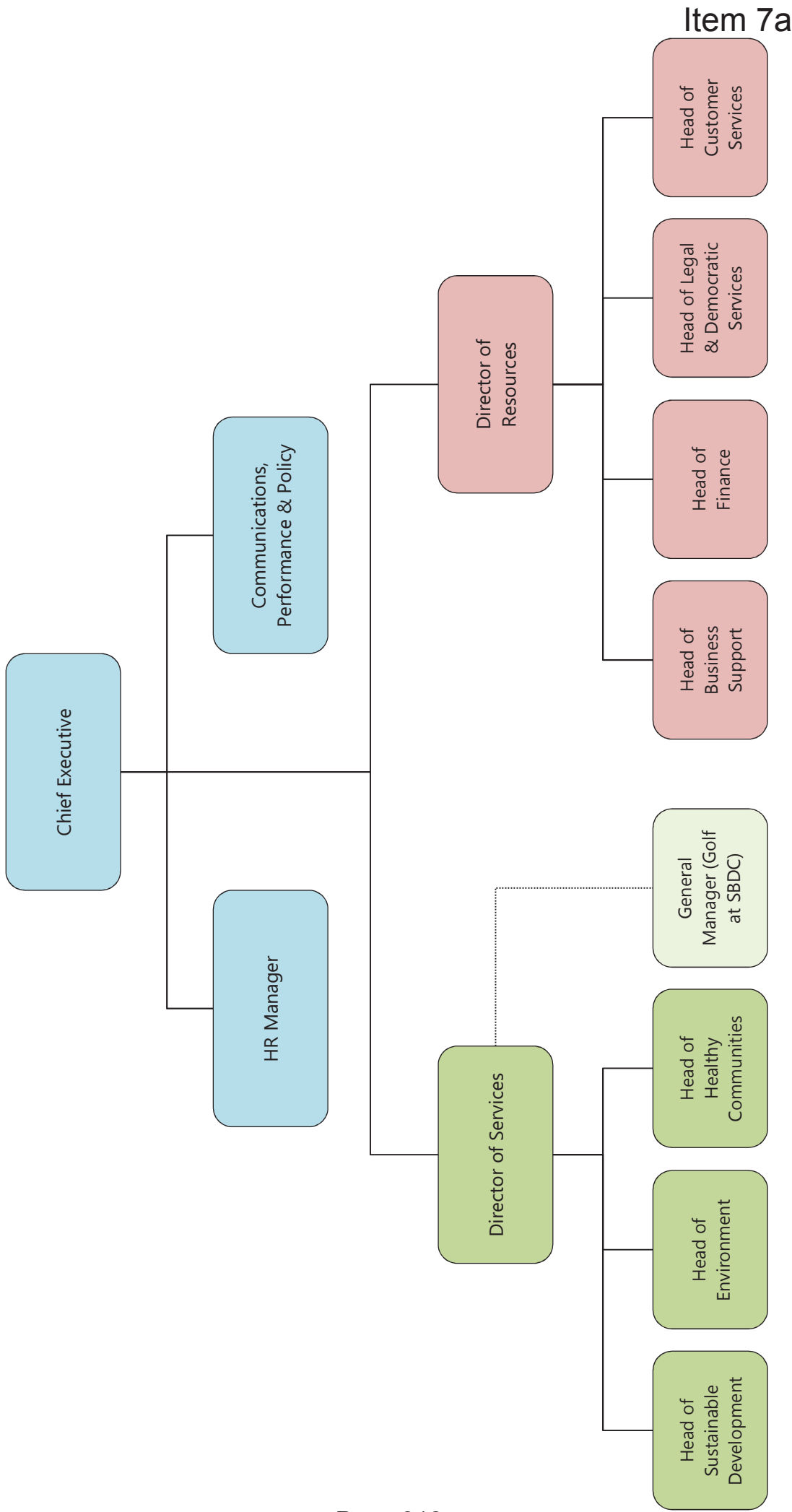
If Members have any queries regarding claims for allowances, they can contact Democratic Services (democraticservices@chiltern.gov.uk; 01494 732143).

PART 7 MANAGEMENT STRUCTURE AND SCHEME OF DELEGATIONS TO OFFICERS

SECTION A	STAFF STRUCTURE
SECTION B	SCHEME OF DELEGATIONS TO OFFICERS INCLUDING PROPER OFFICERS AND MUTUAL DELEGATIONS WITH/TO OTHER AUTHORITIES

PART 7
SECTION A: Staff Structure

Joint Senior Management Structure



Item 7a

SECTION B SCHEME OF DELEGATIONS TO OFFICERS INCLUDING PROPER OFFICERS**1. NOTE ON METHODOLOGY**

- 1.1 Delegations are listed by named Officer commencing with the Chief Executive.
- 1.2 Each delegation is identified by the letter "C" or "E" followed by a number. The letter "C" indicates that the function or matter delegated is the responsibility of full Council or a Committee or Sub-Committee of full Council. The letter "E" indicates that the function or matter delegated is the responsibility of the Cabinet.
- 1.3 Each named Officer has been allocated up to 50 possible delegation numbers as follows

Chief Executive	1-50
Director of Resources	101-150
Director of Services	151-200
Head of Sustainable Development	201-250
Head of Environment	251-300
Head of Finance	301-350
Head of Healthy Communities	351-400
Head of Business Support	401-450
Head of Legal and Democratic Services	451-500
Head of Customer Services	501-550
Building Control Manager	551-600

This allows for future variations in the number of delegations given to a named officer by the Council or one of its Committees/Sub-Committees or the Cabinet.

- 1.4 Delegations by the Council or the Cabinet to external bodies or persons (other than by joint arrangements) have been allocated delegation numbers 551 to 600 and are set out in Part E of this Scheme of Delegations.
- 1.5 Examples:-

Delegation C1	To carry out the duties of Head of the Paid Service
Delegation E105	To act as Senior Information Risk Officer and have overall responsibility for the Council's risk management
Delegation C301	To be responsible for payroll and implementing awards concerning wages, salaries and conditions of service
Delegation E508	Day to day responsibility for Customer Services

- 1.6. In so far as it relates to functions which are the responsibility of the Council or one of its Committees or Sub-Committees, the following Scheme of Delegation was approved by full Council on 16 May 2017 as amended/added to from time to time.
- 1.7. In so far as it relates to functions which are the responsibility of the Cabinet or a Committee of the Cabinet, the following Scheme of Delegations was approved by the Cabinet on 27 June 2017 as amended/added to from time to time.

2. GENERAL LIMITATIONS ON THE EXERCISE OF DELEGATED POWERS

- 2.1. Where decisions are taken or powers are exercised by Officers in pursuance of authority delegated to them by full Council or the Cabinet, the following shall apply:-
 - 1) Decisions shall be made and powers shall be exercised in accordance with any statutory requirements, the approved budget, any policies and plans approved by the Council, and the various Procedural Rules set out in Part 4 of this Constitution, including without limitation, the Access to Information Rules, Financial Procedure Rules, Contract Procedure Rules and Budget and Policy Framework Procedure Rules.
 - 2) Where the making of a decision or the exercise of a power would be contrary to, or not in accordance with, the Budget and Policy Framework (as defined in the Access to Information Procedure Rules set out in Section D of Part 4 of this Constitution), unless the matter is urgent, it shall be referred to the Cabinet. In all other cases, the making of a decision or the exercise of a power that would result in a departure from established policy shall be referred to the Cabinet or a Committee/Sub-Committee as appropriate.
 - 3) Any power delegated to an Officer may also be exercised to the same extent by any other body or person with concurrent responsibility for the discharge of the function or delivery of the service in question, unless the discharge of that function or delivery of that service is restricted by law to the Officer named herein.
 - 4) Decisions taken by Officers in pursuance of delegated powers shall be reported, as appropriate, to full Council or one of its Committees or Sub-Committees or to the Cabinet when required to do so by the terms of the Access to Information Rules or the other Procedural Rules set out in Part 4 of this Constitution.
 - 5) Authority to take action or to do or omit to do anything pursuant to any of the delegations granted by this Scheme shall include the power to take any

preliminary or consequential action in order to give effect to the exercise of the relevant delegation.

- 6) Officers must consider in what circumstances it might be appropriate to consult Members such as the relevant Cabinet Portfolio Holder, Committee Chairman or local Members before taking a decision. If such a Member objects to the proposed decision the matter must be reported to the Cabinet or relevant decision-making body for consideration unless there is specific provision for dealing with objections within a particular delegation.
- 7) The Cabinet or relevant Cabinet Portfolio Holder may reserve a decision about a particular matter to them or require that an officer refrains from exercising a delegated authority.
- 8) Where the Scheme delegates powers and duties within overall functional descriptions the exercise of a delegation applies to functions in a broad and inclusive manner and includes the doing of anything that will facilitate or is conducive or incidental to the discharge of any of the specified functions.
- 9) An officer may consider that a delegated authority should not be exercised and that a matter should be referred to the relevant Cabinet Portfolio Holder or decision making body for determination.
- 10) An Officer must not exercise delegated powers in relation to any matter in which they have a personal interest.

3. GENERAL POWERS OF CHIEF EXECUTIVE, DIRECTORS AND HEADS OF SERVICE

- 3.1 The Chief Executive, all Directors and Heads of Service have delegated power in respect of the following:-

Financial

- 1) To incur expenditure within approved capital and revenue budgets ;
- 2) To remit or reduce charges normally paid for council services when there are exceptional or special circumstances justifying the remission or discount in consultation with the relevant cabinet member of committee chairman if the remission is greater than £500.

- 3) To determine the fees and charges to be levied for all council charges excluding car parking charges in consultation with the relevant Cabinet Portfolio Holder or committee chairman.
- 4) To settle small compensation payments up to a value of £500 where a complaint has been agreed through the Council's complaints procedure.
- 5) With the exception of community grants, to award grants up to a maximum of £5,000 in consultation with the relevant Cabinet Portfolio Holder.
- 6) To prepare and submit applications to external bodies and organisations for grant funding on behalf of the council

Land, property and assets

- 7) To incur expenditure on any item or service, including acquisition of land, or property, vehicle, plant and equipment up to £50,000 and in consultation with the relevant Cabinet Portfolio Holder where the proposed expenditure exceeds £50,000.
- 8) To serve notices to obtain particulars of persons' interests in land.
- 9) To serve notices under any enactment and take follow up action.
- 10) To grant permission to carry out works on the council's land in consultation with the relevant Cabinet Portfolio Holder and local members.
- 11) To declare as surplus and sell assets up to a book value of £10,000 in consultation with the relevant Cabinet Portfolio Holder.

Legal

- 12) To serve notices, make orders take enforcement action and respond to consultations under the provisions of the Anti-Social Behaviour Act 2003.
- 13) Without prejudice to any specific delegation in the scheme to authorise the issue and service of any statutory notice or requisition relating to any matters within their areas of responsibility and to take any associated enforcement action and authorise default works.
- 14) Without prejudice to any specific delegation in the scheme to act as the proper officer for the authorisation of any statutory notices, any requisitions, Orders or

other documents which are issued and served relating to any matter within their area of responsibility.

- 15) To approve the copying of documents for the purposes of the copyright, designs and patents legislation.
- 16) Without prejudice to any specific delegation in the scheme to authorise the commencement, continuation, defence, discontinuance or settlement of any legal proceedings (other than high court proceedings or above) relating to any matters within their areas of responsibility in consultation with the Head of Legal and Democratic Services.
- 17) Subject to the rules of court to authorise members of staff to attend, appear as witnesses and represent the council in any legal proceedings in court, public inquiries, tribunals or other hearings.
- 18) To authorise under section 223 of the Local Government Act 1972 (as amended) officers to appear on behalf of the council in proceedings before the magistrates' courts.
- 19) Where any officer has delegated powers to authorise legal proceedings that power also includes the power to administer simple cautions (previously known as formal cautions).
- 20) Without prejudice to any specific delegation in the scheme to determine any applications for permissions, consents, licences or registrations within their area of responsibility.
- 21) Without prejudice to any specific delegation in this scheme to grant, renew, refuse or cancel any authority in writing to members of staff who may exercise any statutory power of inspection and entry onto land or property (including inspection of buildings, premises and vehicles). Such written authority shall allow the authorised person to exercise all the relevant statutory powers of such an authorised officer.
- 22) To release information under the Data Protection Act 1998, Freedom of Information Act 2000 and Environmental Information Regulations 2004, in consultation with the Corporate Information Officer in respect of applying any exemptions.
- 23) To sign a statement of truth on behalf of the Council under the civil procedure rules.

- 24) To make planning applications including listed building, conservation areas and advertisement consents and footpath diversions in consultation with the relevant Cabinet Portfolio Holder in the case of major projects.
- 25) To make any applications for any orders and other applications such as building control.

Staffing Matters

- 26) To enter into agreements under section 113 of the Local Government Act 1972 to place staff at the disposal of other councils or to receive the services of staff of other councils in consultation with the relevant Cabinet Portfolio Holder.
- 27) To take any action required or authorised under the Council's recruitment and selection policies and procedures.
- 28) To determine applications to extend an employee's contractual period of sick leave in consultation with the relevant Director.
- 29) To determine applications for leave of absence without pay in consultation with the relevant Director.
- 30) To agree flexible working patterns in accordance with agreed council policies.
- 31) To authorise the working and payments for employees undertaking standby duties and for overtime.
- 32) To approve applications for annual, compassionate, special or other leave.
- 33) To enter into apprenticeships or similar agreements in consultation with the HR Manager.
- 34) To authorise reimbursement of employees for mileage, subsistence and other expenses incurred by staff in carrying out their duties.
- 35) To undertake disciplinary action in accordance with the Council's disciplinary policies and procedures.
- 36) To authorise the attendance by employees at meeting, training sessions, seminars, exhibitions and conferences and to attend training on day release courses in pursuit of relevant professional or other qualifications.

Contracts, Purchases, plant, stock, equipment and materials

- 37) To take any action authorised by the Council's Contract Procedure Rules and Financial Procedure Rules.
- 38) To sign on the Council's behalf any contract for works, goods or services subject to compliance with relevant requirements in the Contract Procedure Rules.
- 39) To accept, renew and vary contracts for the maintenance of equipment within the annual estimates;
- 40) To dispose of surplus furniture, materials, stores or equipment in accordance with Financial Procedure Rules and Contract Procedure Rules
- 41) To hire plant subject to inclusion of the cost of hire within approved budgets ;

Miscellaneous

- 42) To hold, arrange or facilitate community schemes or projects which are in accordance with any approved Plan or Strategy, including approving attendance or allocating places on such schemes or projects, provided the budget estimates are not exceeded;
- 43) Within their areas of responsibility to take all actions that the Council is required to take to comply with mandatory legislative requirements;
- 44) To take all necessary action in respect of lost or uncollected property found on any Council owned or managed buildings or premises under the powers contained in Section 41 of the Local Government (Miscellaneous Provisions) Act 1982, following consultation with the Head of Legal and Democratic Services;
- 45) To respond to consultation documents within their areas of responsibility in consultation with the appropriate Cabinet Portfolio Holder or Committee Chairman (as the case may be).
- 46) To undertake any roles or functions allocated under any council policies or procedures including responsibility for business continuity in respect of their areas of responsibility and the operational management of emergency planning (section 138 of the Local Government Act 1972) under the general direction of the Emergency Planning Officer.
- 47) Responsibility under the Health and Safety at Work etc Act 1974 for the operational management and implementation of all Regulations and Codes of

practice in respect of employees under their direction and control and for compliance with Council health and safety policies

- 48) To make minor amendments to strategies/policies after approval by cabinet/council prior to publication.
 - 49) To instruct consultants and other agents (other than counsel or outside solicitors) to advise or otherwise assist the council in connection with any work of the council subject to compliance with relevant requirements in the Contract and Financial Procedure Rules.
- 3.2 Delegation to any Officer in this Scheme is subject to the over-riding proviso that the Chief Executive may:-
- 1) direct the Officer concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
 - 2) exercise the delegation himself/herself.
- 3.3 A delegation to a Head of Service is also subject to the over-riding proviso that the appropriate Director may:-
- 1) direct the Head of Service concerned not to exercise the delegation but to report to the Cabinet or appropriate PAG, Committee or Sub-Committee for instructions; or
 - 2) exercise the delegation himself.
- 3.4 In the absence of the Chief Executive any of the powers granted to him by this Scheme of Delegations may be exercisable by the Director of Resources or the Director of Services
- 3.5 Any delegation granted by this Scheme of Delegations to a Head of Service may, with the consent of the appropriate Director, be exercised by a subordinate officer acting under the instruction or supervision of the Head of Service or appropriate Director.
- 3.6 Reference in these delegations to any Statute, Statutory Instrument or Regulation shall be deemed to include any statutory re-enactment or modification thereof.

4. DELEGATIONS TO INDIVIDUAL OFFICERS

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
<p>Chief Executive</p>	<p>To carry out the duties of Head of the Paid Service (section 4 of the Local Government and Housing Act 1989) which includes all necessary powers for co-ordinating the discharge of functions, exercising overall management responsibility for staff and acting as the Proper Officer for the purposes of Section 2 and 21 (regarding list of politically restricted posts);</p> <p>To determine the council's establishment, numbers of staff, remuneration and deployments and agree terms and conditions for the employment of staff</p> <p>Authority to take such steps as are necessary to ensure that in the recruitment, remuneration and termination of employment of staff and in the conditions of service generally, the Council complies with all relevant mandatory legislation</p> <p>To approve any redundancies, retirements, settlement of claims, secondments, unpaid leave request, pensions related matters, annual increments and any other employment related matters</p> <p>Authority to sign offers and contracts of employment.</p>	<p>Note – Council to appoint Head of Paid Service – Officer Employment Procedure Rules</p> <p>Fundamental changes to the organisation structure to be agreed by Joint Staffing Committee</p> <p>In consultation with the Cabinet Leader or in his/her absence the Deputy Leader for settlement of claims. Proposals for enhanced benefits to be determined by Staffing Sub-Committee</p>	<p>C1</p> <p>C2</p> <p>C3</p> <p>C4</p> <p>C5</p>	

	In any month when a Committee or Sub- Committee of the Council does not meet, to take any action required to give effect to the duties powers and functions of that Committee or Sub-Committee.	In consultation with the appropriate Committee Chairman and subject to the action being reported to the next available meeting of the Committee/Sub-Committee.	C6	
	In cases of urgency to take any action required to give effect to the powers and duties of the Cabinet.	In consultation with the Cabinet Leader or in his/her absence the Deputy Cabinet Leader and subject to the action taken being reported to the next available meeting of the Cabinet.		E1
	In the period between the date of the election of councillors and the day following the subsequent Annual General Meeting of Council to exercise any of the duties and powers of the Council or the Cabinet or any of their Committees or Sub- Committees	In consultation with the Chairman of the Council or in his/her absence the Vice Chairman of the Council	C7	E2
	In connection with any application for the post of Director or Head of Service in his/her department, to prepare long lists and interview and shortlist suitable candidates for consideration by Joint Staffing Committee.	In consultation with the HR Manager.	C8	
	Authority to approve attendance by Members at appropriate Conferences/Seminars and the payment of travel and subsistence in		C9	E3

	connection therewith subject to there being adequate budgetary provision.			
	Overall responsibility for the implementation of the Council's Health and Safety Policies			E4
	Overall responsibility for implementation of the Council's Safeguarding Policies			E5
	Authority to conduct Parish Polls demanded under The Parish and Community Meetings (Polls) Rules 1987 as the Returning Officer.		C10	
	To carry out the duties of the Electoral Registration Officer and Returning Officer.		C11	
	Authority to respond to neighbouring local authorities and other external organisations on non-strategic proposals	In consultation with the appropriate Cabinet Portfolio holder.		E6
	To represent the Council on partnerships and external bodies as required by statute or by the Council		C12	E7
	To carry out the duties of the Emergency Planning Officer with all necessary power to act and incur expenditure.		C13	
	Authority to waive the Financial Procedure Rules where expenditure is incurred in direct support of a major emergency, direct action in connection with the Enforcement of Planning Control or other appropriate incident (be it internal or external to the Council) where it is impractical or inappropriate to invoke them	Where it is impractical or inappropriate to invoke them, to report the action to the next available meeting of the Council or Cabinet (as appropriate).	C14	E8
	The following staffing matters are delegated to be exercised collectively with the other members of the Management Team:- <ul style="list-style-type: none"> • accelerating staff within linked grades; 		C15	

	<ul style="list-style-type: none"> • payment of honoraria; • payment of performance related pay; • employment of temporary staff for holidays, maternity absences and for peak workloads provided the cost is within the estimates; • authorising changes to grades, where a review of the department or part of the department results in minor structural changes, (subject to no additional cost being incurred); • authorising any individual grade change arising from job evaluation following changed duties and responsibilities; • authorising minor changes to current conditions of service, providing these are achieved by agreement with the employees concerned; • approving essential and casual user car allowances; • reviewing and determining the levels of travelling and subsistence allowances; • reviewing and determining the car loan interest rate when providing assistance to purchase a car; and • dealing with employees' claims for compensation. 			
	<p>Service Responsibilities</p> <p>(1) Human Resources</p> <p>(2) Communications, Policy and Performance</p>			E9

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Resources	To carry out the functions and duties of the Chief Finance Officer imposed by Section 151 of the Local Government Finance Act 1988		C101	
	To act as Treasurer to the Chilterns Crematorium Joint Committee.			E101
	To lead and direct the range of services in the Directorate and resources allocated to the Directorate in accordance with the Councils policies and procedures			E102
	To be responsible for performance review issues, progressing achievement against strategic objectives and delivering on major projects within the Directorate.			E103
	Leading programmes of change and development.			E104
	To act as Senior Information Risk Officer and have overall responsibility for the Council's risk management			E105
	Authority to respond to consultations from neighbouring local authorities and other external organisations on non- strategic proposals.	In consultation with the appropriate Cabinet Portfolio holder		E106
	Writing off any irrecoverable debt in accordance with the Council's Financial Procedure Rules			E107
	In connection with any application for the post of Head of Service in his/her Directorate, to prepare long lists and interview and shortlist suitable candidates for consideration by Joint Staffing Committee.	In consultation with the Chief Executive and HR Manager		E108

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Director of Services	To lead and direct the range of services in the Directorate and resources allocated to the Directorate in accordance with the Councils policies and procedures	.		E151
	To be responsible for performance review issues, progressing achievement against strategic objectives and delivering on major projects within the Directorate			E152
	To lead programmes of change and development			E153
	To respond to neighbouring local authorities and other external organisations on non- strategic proposals including Local Plans from neighbouring authorities and Neighbourhood Planning matters	In consultation with the appropriate Cabinet Portfolio Holder		E154
	Authority to respond to consultation documents on local/regional transport proposals	In consultation with the appropriate Cabinet Portfolio holder.		E155
	Authority to take binding decisions or actions in relation to the implementation of the Development Plan and Infrastructure Delivery Schedule where statutory timetables or non-negotiable closing dates do not permit prior reporting to the Cabinet or the Council	In consultation with the appropriate Cabinet Portfolio holder and subject to an information report being submitted to the next ordinary meeting of the Cabinet.	C151	E156
	In connection with any application for the post of Head of Service in his/her Directorate, to prepare long lists and interview and shortlist suitable candidates for consideration by Joint Staffing Committee.	In consultation with the Chief Executive and HR Manager	C152	
	Responsibility for implementation of the Council's Safeguarding Policies			E158

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Sustainable Development	Determining whether or not prior approval is necessary for the siting, design and external appearance of agricultural buildings and the siting and means of construction of a private way, before the development commences and following submission of such an application to determine whether this can be approved, approved subject to conditions, or refused.	Following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman.	C201	
	Submitting comments or objections to the County Council, if deemed necessary, on all County Matter planning applications including mineral and waste disposal applications; such comments or objections to include internal consultations on highway, drainage and environmental health matters and including the power to call a meeting of the Planning Committee if necessary.	Following consultation with the Chairman – or in his/her absence the Vice – Chairman of the Planning Committee.	C202	
	Determining whether or not prior approval is necessary for the method of demolition and any proposed restoration of the site before the demolition commences and following submission of such an application to determine whether this can be approved, approved subject to conditions, or refused.	Following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman.	C203	
	Determining the notification for the siting and appearance of a telecommunications development before it commences.	Following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman.	C204	

		Unless the Head of Sustainable Development considers that it would not be possible for the Planning Committee to determine a Notification and inform the Applicant accordingly before the 56 day prior notification period had expired, an application shall not be approved or refused under this delegation if, within 21 days of receipt of the Notification, a written request to the Head of Sustainable Development is received from a District Councillor that the Notification concerned shall be submitted to the Planning Committee for determination.		
	Agreeing minor amendments to planning applications and granting or refusing consent for requests for confirmation of compliance with planning conditions and/or granting or refusing consent for details submitted in compliance with conditions imposed on planning permissions, consents and approvals.		C205	
	Making minor amendments to conditions, reasons for refusal and enforcement notices where this does not affect the substance of the Committee's decision.		C206	
	Notifying applicants when an application for planning permission cannot be entertained.		C207	

	separately from the siting, design, external appearance, landscaping or means of access (Article 5(2) of Part 3 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.			
	Authority to determine that pursuant to Section 70A of the Town & Country Planning Act 1990 a repeat planning application shall not be registered.		C208	
	Authority to determine whether or not development proposals require the submission of an Environmental Impact Assessment under the provisions of the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, including the power to determine the need for, scope, content and adequacy of any Environmental Impact Assessment that may be required or submitted.		C209	
	Signing and issuing notices of decision on behalf of the Council under the Town and Country Planning Acts and related legislation.		C210	
	Granting permissions and issuing decision notices when arrangements or undertakings have been made in the case of applications which the Committee is minded to approve.	Except where the Planning Committee otherwise resolves.	C211	

	<p>In respect of landscaping and trees:-</p> <p>Waiving replanting requirements except where necessary for amenity reasons, or when a tree, protected by a Tree Preservation Order or planning condition, is felled because of Dutch Elm disease;</p> <p>Consenting to fell, or do works to a tree protected by a Tree Preservation Order or planning conditions which the Tree and Landscape Officer or professional consultants, advise is dangerous;</p> <p>Refusing requests for Tree Preservation Orders where, after consultation with the Tree and Landscape Officer or professional advisers, this is reasonable; and</p> <p>Submitting representations on behalf of the Council to the Forestry Commission on Felling Licence or Grant Scheme Applications, following consultation with the Tree and Landscape Officer and notification to the relevant Town or Parish Council.</p>		C212	
	<p>Taking emergency action in respect of Tree Preservation Orders.</p>	<p>Following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman, such action to be reported to the next meeting of the Planning Committee.</p>	C213	
	<p>Refusing requests to fell, top, lop etc any trees or remove branches</p>	<p>Following consultation with the Chairman of the</p>	C214	

	or undertake surgery work to trees protected by means other than a Tree Preservation Order.	Planning Committee or in his/her absence, the Vice-Chairman.		
	Granting or refusing consent to undertake works etc. to hedges protected by a planning condition.	Following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman.	C215	
	The issue of either a Hedgerow Retention Notice or to give written notice stating that the hedgerow may be removed, subject to any reasonable and relevant limitations, in accordance with the Hedgerow Regulations 1997.	In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee or in his/her absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee .	C216	
	Advising applicants submitting requests to undertake works to trees relating to a planning condition imposed on a planning permission implemented more than five years previously that, no further action will be taken in such cases.	Subject to an assessment by the Tree and Landscape Officer indicating that the trees should not be made the subject of a Tree Preservation Order.	C217	
	Taking emergency action in respect of:- A. Article 4 Directions and	A. For emergency action – In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee - or in his/her absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee. Other than emergency action – report to	C218	E201

	B. Building Preservation Notices	<p>Planning Committee if time permits</p> <p>B. In consultation with the Head of Legal & Democratic Services following consultation with the Chairman of the Planning Committee - or in his/her absence, the Vice-Chairman. Any action taken shall be reported to the next meeting of the Planning Committee.</p>		
	Determining the method of any planning appeal.	In consultation with the Head of Legal & Democratic Services in respect of Enforcement Notice appeals unless the Planning Inspectorate has determined that a local inquiry will be held.	C219	
	Serving Planning Contravention Notices and authorising the institution of follow up prosecution proceedings, if necessary.	In consultation with the Head of Legal & Democratic Services on any prosecutions.	C220	
	Serving notice requiring contravening work to be pulled down, removed or altered or taking other direct action in respect of a breach of planning control.	Any action taken shall be reported to the next meeting of the Planning Committee.	C221	
	Making objections or representations in respect of applications for Licences concerning Goods Vehicles and to authorise representation by officers at any resulting Public Inquiry.	Following consultation with the relevant Cabinet Portfolio holder.		E202

	Dealing with requests for the display of Christmas lighting and similar minor matters.		C222	
	Exercising powers to control fly-posting under Sections 224 and 225 of the Town & Country Planning Act 1990, including authorising the institution of prosecution proceedings.	Prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services	C223	
	Submitting comments on consultations by other authorities concerning planning application sites close to the District boundary; except that items of particular significance which could affect the District or its policies are to be brought to the Cabinet.	Following consultation with the relevant Cabinet Portfolio holder in respect of non-householder applications		E203
	<p>Authority to grant permissions, consents, refusals or determinations and issue decision notices, determinations or certificates,(including the power to impose conditions or give reasons for refusal where appropriate) on development control and related applications submitted under the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and related legislation.</p> <p>The above authority includes the authority in consultation with the Head of Legal and Democratic Services to negotiate, enter into and seal planning obligations agreements and related deeds under section 106A of the Town</p>	<p>The following specific limitations apply :-</p> <p>A. No Decision shall be made until the expiration of any statutory publicity, neighbour notification or consultation period.</p> <p>B. An application shall not be approved or refused under this delegation if a written request to the Head of Sustainable Development is received, within 28 days of the date the application is registered, from a District Councillor that, in his or her opinion, the application concerned shall be</p>	C224	

	<p>and Country Planning Act 1990 (as amended) and earlier legislation or to revoke such obligations and to accept unilateral undertakings related to applications determined under delegated powers or entered into on a without prejudice basis in relation to an Appeal and matters arising therefrom.</p>	<p>submitted to the Planning Committee for determination.</p> <p>C. The following applications are excluded from this delegated authority :-</p> <p>(i) applications submitted by the District Council;</p> <p>(ii) applications submitted by the Chief Executive, Directors, Heads of Service, third-tier officers and any officer employed in the Sustainable Development Service;</p> <p>D. A list of those applications approved or refused by the Head of Sustainable Development pursuant to this delegation shall be published on the Council's web-site. The application number, description of development, address and date of decision shall be given.</p> <p>E. If a proposal is seeking lower provision than that sought by CS8 on the grounds of financial viability, the delegated authority shall only be exercised after consultation with the Chairman of Planning</p>		
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		Committee,		
	Authority to determine applications for Existing or Proposed Certificates of Lawful Use or Development	In consultation with the Head of Legal & Democratic Services in respect of those applications for Certificates of Lawful Use of Development for existing uses or operations	C225	
	Instruct where necessary any Barrister at Law or Solicitor of the Supreme Court	In consultation with the Head of Legal & Democratic Services	C226	
	Authority to deal with dangerous trees pursuant to Section 23 of the Local Government (Miscellaneous Provisions) Act 1976	In consultation with the Head of Legal & Democratic Services		E204
	Authority to authorise the making of Tree Preservation Orders		C227	
	That the following actions in relation to the neighbourhood planning process a) Decisions on whether to accept and designate or modify a neighbourhood area under s61G of the Town and Country Planning Act 1990, as inserted by Schedule 9 of the Localism Act 2011; b) Consultation responses to neighbourhood development plans and neighbourhood development orders, before their formal submission as proposals to the Council; c) Decisions on whether to decline to accept repeat proposals for neighbourhood development plans or neighbourhood development orders under paragraph 5(1) of Schedule 4B of	In consultation with the relevant local Member(s) and Cabinet Portfolio Holder for Sustainable Development	C228	E205

	<p>the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>d) Decisions on who to appoint as an examiner under paragraph 7(4) or 13(2) of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>e) Decisions on recommendations in examiners' reports that propose no change or only minor changes to plans or orders pursuant to paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;</p> <p>f) Decisions on whether to modify neighbourhood development plans and orders where the proposed modifications are only minor, whether or not recommended by the examiner.</p> <p>2. Decisions on the validity and acceptance of applications for a neighbourhood plan or neighbourhood development order are delegated to the Head of Sustainable Development.</p> <p>3. Decisions where the Council propose to disagree with an examiner's recommendation and the reasons for such a decision and authority to undertake the</p>	<p>The Head of Sustainable development is required to inform relevant local ward member(s) within the relevant Neighbourhood Area and the Cabinet Portfolio Holder for Sustainable development of decisions taken and where determined that a plan or development order is not found valid to provide reasons for the decision</p> <p>In consultation with the Cabinet Portfolio Holder for Sustainable Development, where the implications for the</p>		
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	<p>necessary publicity and consultation to invite views on the Council's proposed decision(s).</p> <p>4. Decisions to determine the referendum area</p>	<p>plan are minor</p> <p>Subject to taking into account the examiner's recommendation and the views of the Cabinet Portfolio Holder.</p> <p>NB : The decision whether or not to make a neighbourhood development plan or order shall be subject to the approval of Full Council at the recommendation of the Cabinet.</p>		
	To maintain all registers required under Town and Country Planning legislation and related regulations		C229	E206

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Environment	A. Environmental Services			
	Responsibility for procuring, managing and monitoring contracts for the collection of household or commercial waste.	In accordance with Contract Procedure Rules		E251
	Authority to deal with unauthorised deposits of waste or of things abandoned in the open air or on land forming part of a highway,			E252
	Responsibility for procuring, managing and monitoring any contracts let in respect of grounds maintenance	In accordance with Contract Procedure Rules		E253
	Responsibility for procuring, managing and monitoring any contracts let in respect of street cleaning and/or litter control	In accordance with Contract Procedure Rules		E254
	Authority to negotiate and enter into Supply Agreements with gas water electricity and telephony utility supply companies			E255
	Authority in respect of Part IV of the Environmental Health Act 1990 (litter etc.) including :- (1) instituting prosecution proceedings under Section 87 (2) serving Litter Abatement Notices and Street Litter Notices under Sections 92 and 93.	In consultation with the Head of Legal & Democratic Services		E256
	Enforcement of bylaws relating to playing fields, open spaces, etc. including instituting prosecution proceedings	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services		E257
	Authority to deal with : <ul style="list-style-type: none"> • Litter; • Restricting the distribution of leaflets and printed matter to designated areas • Landowners permitting dumping on their land including authority to grant 	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services NB Head of Health Communities an		E258

	conditional or unconditional consent for the distribution of leaflets and printed materials in a designated areas and authority to institute legal proceedings or to issue a Litter Clearing Notices in relation to any land and/or issue or authorise other agencies to issue a Fixed Penalty Notice.	identical delegation		
	Authority to serve a Graffiti Removal Notice in respect of graffiti or unlawful advertising including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice for unlawful advertising or failing to comply with a Graffiti Removal Notice.	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services NB Head of Health Communities an identical delegation		E259
	Authority to search, seize and impound a vehicle involved in fly-tipping including the authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice to a waste carrier for:- <ul style="list-style-type: none"> • Failing to produce registration details • failing to produce a waste transfer notice 	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services NB Head of Health Communities an identical delegation		E260
	Authority to deal with all the Council's functions relating to watercourses			E261
	Authority to discharge the functions of the Appointing Officer under the Party Wall etc. Act 1996			
	B. Asset Management			
	Authority to deal with the maintenance of Council buildings			E262
	Day to day responsibility for facilities management including caretaking and cleaning services			E263
	Authority to let the Council Chamber and Committee Rooms in			E264

	accordance with prescribed charges and to remit charges for cancelled bookings			
	Authority to grant easements for vehicular access over Council owned land or Commons to service residential dwellings in existence on or before 4 July 1982 in accordance with the compensation regime set out in the Vehicular Access Across Common Land (England) Regulations 2002 including the power to appoint a qualified Valuer to advise on the compensation payable	In consultation with the Head of Legal & Democratic Services		E265
	Responsibility for the management, control and maintenance of all Council land and property holdings including Commons and open spaces which are not within the direct responsibility of another service, subject to the consideration for any long leases or disposals being assessed by a qualified Valuer	In consultation with the relevant Cabinet Portfolio Holder, the Head of Finance and the Head of Legal & Democratic Services in respect of any long leases or disposals		E266
	To grant short term tenancies including licences and non-protected leases of no more than 7 years with an annual rent not exceeding £35,000 across the Council's property portfolio and the grant of easements or wayleaves			E267
	Responsibility for the management, control and maintenance of the Council's London Road Depot site subject to the consideration for any long lease being assessed by a qualified Valuer.	In consultation with the relevant Cabinet Portfolio Holder, the Head of Finance and the Head of Legal & Democratic Services in respect of any long leases		E268
	Responsibility to carry out rent reviews and agree other permissions / matters arising under current leases/licenses including any title issues			E269
	C. Traffic Management and Highways			

	Authority to respond to the Highways Authority on consultation draft Traffic Regulation Orders.			E270
	Authority to deal with all the Council's street naming and numbering functions			E271
	Authority to take all actions associated with the removal of abandoned vehicles from the highway and private land			E272
	<p>Authority to respond to consultations by the Buckinghamshire County Council as the Highways Authority in relation to:-</p> <ul style="list-style-type: none"> • road traffic and road safety proposals • proposals for alterations or modifications to the Definitive Map • proposals for the stopping up or diversion of a public path. 	In consultation with the appropriate Cabinet Portfolio holder		E273
	Authority to authorise free "school run" car parking schemes where they form part of a School Travel Plan and any loss of income would be minimal.			E274
	<p>Authority to deal with :</p> <ul style="list-style-type: none"> • Exposing vehicles for sale; • Repairing vehicles on a road; <p>including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice.</p>	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services.		E275
	<p>Authority to deal with :</p> <ul style="list-style-type: none"> • Abandoned vehicles; • Illegally parked vehicles; <p>including authority to institute immediate removal, disposal or destruction of abandoned vehicles or vehicles without licence and registration and/or to issue or authorise other agencies to issue a Fixed Penalty Notice.</p>	<p>The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services</p> <p>NB Head of Health Communities an identical delegation</p>		E276

	<p>Authority to undertake all the Council's Parking services functions including:-</p> <ul style="list-style-type: none"> • Management, maintenance and enforcement-related activities of Council car parks • authority to waive the recovery of a penalty charge notice where a request for waiver has been received and the reasons stated in the request are considered to be reasonable; 	<p>The power to waive the recovery of a penalty charge notice is subject to the following limitation and to any other guidelines issued from time to time by the Cabinet</p> <p>A penalty charge notice issued in respect of a vehicle of which the owner, driver or registered keeper is a member or employee of Chiltern District Council shall not be waived without the prior written consent of the Head of Paid Service</p>		E277
	<p>Authority to make Temporary Road Closure Orders under the Town Police Clauses Act 1847.</p>	<p>In compliance with current policy.</p>		E278
	<p>D. Assets of Community Value</p>			
	<p>Authority to determine nominations to list land/property as an Asset of Community Value and deal with any matters arising therefrom including claims for compensation.</p>			E279

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Finance	To arrange for the investment of the Council's funds in accordance with the annually approved Treasury Management Policy and to be responsible for the Council's banking arrangements	Appointment of the Council's Bankers and Investment Fund Managers to be subject to the provisions of the Contract Procedure Rules		E300
	To be responsible for the provision of effective accounting systems			E301
	To arrange for the proper auditing of all accounts and associated activities of the Council including the provision of an effective system of internal audit.			E302
	To be responsible for insurances and risk management and to deal with insurance claims.	Appointment of the Council's Brokers and Insurers to be subject to the provisions of the Contract Procedure Rules		E303
	To be responsible for payroll and implementing awards concerning wages, salaries and conditions of service		C301	
	Dealing with applications for staff car purchase loans and cycle loans.	In accordance with terms of the approved schemes.	C302	
	To adjust fees and charges when either the VAT rate or definitions change.			
	Exercising the option to tax for VAT purposes in respect of land and buildings owned by the Council			E304
	Writing off any irrecoverable debt in accordance with the Council's Financial Procedure Rules			E305
	Authority to receive and approve suggestions on alternative methods of financing expenditure and the utilisation of financial resources (Local Government Finance Act 1982 – Closing of Accounts			E306

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Healthy Communities	A. Environmental and Public Health Functions			
	<p>Authority to exercise the Council's functions, powers and duties in relation to:-</p> <ol style="list-style-type: none"> 1. sewers, drains and private water supplies 2. abandoned premises 3. housing grants and loans 4. caravan sites 5. housing health and safety standards and fitness of property 6. domestic energy efficiency and conservation 7. health and safety at work 8. food safety and hygiene 9. pest and dog control 10. animal welfare 11. communicable diseases 	<p>Energy Conservation Reports to be approved by the appropriate Cabinet portfolio holder prior to submission to the Secretary of State</p> <p>Corporate Health and Safety is the responsibility of the Chief Executive</p>	C351	E351
	Authority to agree the transfer or assignment of enforcement responsibilities under the Health and Safety Enforcing Authority Regulations		C352	
	<p>Authority to issue Public Space Control Orders in relation to:-</p> <ul style="list-style-type: none"> • Dog Fouling • Letting a dog off the lead • Allowing dogs on to land from which they are banned • Walking more than a set number of dogs • Drinking in public <p>including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice in relation to a breach of an Order</p>	The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services		E352
	Accepting quotations for the	In accordance with the	C353	

	provision of veterinary services associated with the annual inspection of animal establishments requiring a licence.	Contract Procedure Rules		
	Authorising veterinary surgeons employed by the Council's Veterinary Adviser to inspect premises under animal welfare legislation.		C354	
	Authority to exercise the Council's public health functions under the Public Health Acts and related legislation		C355	E353
	<p>Pursuant to Part 8 of the Anti Social Behaviour Act 2003 (the Act) authority to:-</p> <ul style="list-style-type: none"> • reject any complaint that is not accompanied by such fee as the Cabinet may determine from time to time to be payable in connection with making of such a complaint and to notify the complainant accordingly; • determine not to proceed with a complaint where it appears that the complainant has not taken all reasonable steps to resolve the matters complained of without proceeding by way of a complaint to the Council and to notify the complainant of the reasons for such a determination; • determine not to proceed with a complaint where it appears that the complainant is unreasonable or vexatious and to notify the complainant of the reasons for such a determination; • determine to take no action on the grounds that the hedge complained of does not 			E354

	<p>adversely affect the reasonable enjoyment of the complainants domestic property and /or that it is not expedient to take any action in respect of the hedge and in either case to notify the complainant and any other appropriate person of the reasons for such a determination</p> <ul style="list-style-type: none"> • issue and serve on the complainant and every owner and every occupier of neighbouring land a Remedial Notice under Section 69 of the Act giving the reasons for doing so and any such notice to contain such initial action or preventative action and time for compliance as is reasonable in all the circumstances of the case; • waive or relax or withdraw a Remedial Notice (but without prejudice to the power to issue a revised Remedial Notice) • exercise the power under Section 74 of the Act to enter neighbouring land and to authorise Officers to also exercise such powers; • defend appeals made by the complainant or the owners or occupiers of neighbouring land pursuant to Section 71 of the Act; • institute criminal proceeding against any person who at the relevant time was the owner or occupier of neighbouring land and failed to comply with the requirements of a Remedial Notice then in force, the time 	<p>A copy of the Remedial Notice shall be passed to the Local Land Charges Team for registration as a Local Land Charge</p> <p>The Local Land Charges Team shall be notified of any waiver or relaxation or withdrawal so that the Local Land Charges Register can be amended accordingly</p> <p>The Head of Legal and Democratic Services shall be consulted on the institution of any civil or criminal proceedings</p>		
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	<p>for compliance therewith having expired.</p> <ul style="list-style-type: none"> • institute works in default to secure compliance with a Remedial Notice and for that purpose to exercise the powers of entry under Section 77 of the Act and to authorise Officers to also exercise such powers; and • institute proceedings to recover the expenses incurred in connection with the institution of works in default 	<p>The expenses of carrying out works in default shall be notified to the Head of Legal and Democratic Services for registration as a Local Land Charge</p>		
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	B. Environmental Protection and enforcement functions			
	<p>Authority to exercise the Council's functions, powers and duties in relation to :-</p> <ol style="list-style-type: none"> 1. contaminated land 2. air quality 3. statutory nuisances, including the service of abatement notices 4. permitted processes 5. street trading 6. Sunday trading 7. abandoned vehicles 8. fly tipping 9. byelaws 10. flyposting 11. unlawful encampments 12. scrap metal and vehicle salvage operations 13. Carbon Emissions 	<p>Carrying out of works in default to be reported to the next meeting of the Cabinet or Licensing and Regulation Committee (as the case may be).</p> <p>Actions in respect of the management of air quality to be reported to the next meeting of the Cabinet. The institution of legal proceedings for the recovery of expenses or the service and enforcement of a charging notice in respect of contaminated land, to be in consultation with the Head of Legal & Democratic Services</p>	C356	E355
	<p>In accordance with the Road Traffic(Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002 authority to issue or authorise an appointed officer to issue a fixed penalty notice to a driver of a vehicle who has left his engines running unnecessarily and who has failed to switch it off when requested to do so, together with authority to withdraw a fixed penalty notice or require a driver to furnish certain particulars or to recover an unpaid fixed penalty</p>	<p>The recovery of an unpaid fixed penalty shall be in consultation with the Head of Legal & Democratic Services</p>	C357	
	<p>Authority to:</p> <ul style="list-style-type: none"> • Designate an area an alarm notification area • Enter and silence an alarm • institute legal proceedings or to issue a Fixed Penalty Notice in relation to a breach of Noise Act 1996 	<p>The institution of legal proceedings to be in consultation with the Head of Legal & Democratic Services</p>		E356

	Burial and Cremation functions pursuant to Section 46 of the Public Health (Control of Disease) Act 1984 including the recovery of expenses from the estate of the deceased.			E357
	Officially recognising natural mineral water sources under the Natural Mineral Water Regulations 1985.			E358
	Responding to consultations from Bucks County Council about issuing, amending and/or replacing safety certificates (whether general or special) for sports grounds pursuant to the Safety of Sports Grounds Act 1975.	The Building Control Manager has an identical delegation		E359
	C. Housing Services			
	Authority to deal with all matters relating to the Council's housing standards, housing in multiple occupation and private sector housing functions, including licensing and registration functions	In accordance with Council policy. The institution of legal proceedings to recover grant or loans to be in consultation with the Head of Legal and Democratic Services		E360
	Authority to deal with all the Council's housing needs and advice, housing partnerships and strategy and affordable housing development functions			E361
	Authority to determine applications from homeless persons or those threatened with homelessness under part VII of the Housing Act 1996, including authority to carry out a review as required of homelessness decisions under the Allocation of Housing and Homelessness (Review Procedures and Amendments) Regulations 1996.	A request for a further review of a determination that an applicant fell into a priority group but became homeless or threatened with homelessness intentionally, stands referred to the Appeals and Complaints Committee	C358	E362
	Authority to exercise or to authorise duly appointed officers to exercise powers to			E363

	enter and inspect premises and apply for Empty Property Management Orders			
	Authority to determine that an applicant be not eligible for inclusion on the Housing Register, including authority to carry out a review as required in accordance with Bucks Home Choice Allocations Policy			E364
	Authority to enter into guarantees in respect of tenancies secured through the Rent Deposit Guarantee Scheme and to recover from tenants the cost of any Deposit paid to a Landlord under the Scheme	On condition that the total potential commitment under the Rent Deposit Guarantee Scheme shall not exceed the approved budget		E365
	D. Communities and Community Safety			
	<p>Authority to appoint authorised officers to deal with all matters under Crime and Disorder Act 1998 (as amended), Antisocial Behaviour Act 2003 and Antisocial Behaviour and Police and Crime Act 2014 and to</p> <ul style="list-style-type: none"> • agree anti-social behaviour contracts • apply for Anti -Social Behaviour Orders • make Individual Support Orders • publicise Orders under the Act • undertake a review of ASB cases • Make a criminal behaviour order, community protection notice, public protection order or exercise a closure power • Apply for a civil injunction 	Orders and civil injunctions may only be made in consultation with the Head of Legal and Democratic Services		E366
	Responsibility in relation Community Safety, Counter			E367

	Terrorism and Security			
	Taking decisions on requests for grant aid in an emergency	In consultation with the appropriate Cabinet portfolio holder		E368
	The approval of new projects in support of the Community Development Programme and Community Safety Initiatives which do not exceed £2,000 provided the costs can be contained within the overall budget provision.	In consultation with the relevant portfolio holder for expenditure exceeding £2,000. All projects are to be considered against objectives in the Joint Business Plan.		E369
	Responsibility for the implementation of the Council's Safeguarding Policies			E370
	Authority to deal with : <ul style="list-style-type: none"> Exposing vehicles for sale; Repairing vehicles on a road; including authority to institute legal proceedings or issue or authorise other agencies to issue a Fixed Penalty Notice.	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services. NB Head of Environment has an identical delegation.		E371
	Authority to deal with : <ul style="list-style-type: none"> Abandoned vehicles; Illegally parked vehicles; including authority to institute immediate removal, disposal or destruction of abandoned vehicles or vehicles without licence and registration and/or to issue or authorise other agencies to issue a Fixed Penalty Notice.	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services NB Head of Environment has an identical delegation		E372
	Authority to deal with : <ul style="list-style-type: none"> Litter; Restricting the distribution of leaflets and printed matter to designated areas Landowners permitting dumping on their land including authority to grant conditional or unconditional consent for the distribution of leaflets and printed materials in a designated areas and	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services NB Head of Environment has an identical delegation.		E373

	authority to institute legal proceedings or to issue a Litter Clearing Notices in relation to any land and/or issue or authorise other agencies to issue a Fixed Penalty Notice.			
	Authority to serve a Graffiti Removal Notice in respect of graffiti or unlawful advertising including authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice for unlawful advertising or failing to comply with a Graffiti Removal Notice	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services NB Head of Environment has an identical delegation.		E374
	Authority to search, seize and impound a vehicle involved in fly-tipping including the authority to institute legal proceedings or to issue or authorise other agencies to issue a Fixed Penalty Notice to a waste carrier for:- <ul style="list-style-type: none"> • Failing to produce registration details • failing to produce a waste transfer notice 	The institution of legal proceedings to be in consultation with the Head of Legal and Democratic Services NB Head of Environment has an identical delegation		E375
	E. Licensing and Registration			

	Authority to deal with all matters relating to the Council's licensing, registration and public safety functions	<p>Applications to license sex establishments are to be determined by the Licensing Sub-Committee</p> <p>Applications under the Licensing Act 2013 have to be submitted to the Licensing Sub-Committee in the following circumstances:-</p> <ul style="list-style-type: none"> • Personal Licence – where an objection is made • Premises/Club Premises Licence – if there is a relevant representation • Provisional Statement - if there is a relevant representation • Variation of premises/Club Premises Licence - if there is a relevant representation • Variation of Designated Premises Supervisor – if there is a Police objection • Transfer of a Premises Licence- if there is a Police objection • Interim Authorities – if there is a Police objection 	C359	E376
	Authority to establish and maintain the Register of Personal Licences, Premises Licences and Club Premise Certificates issued and Temporary Permitted Event Notices received, pursuant to Section 8 and Schedule 3 of the Licensing Act 2003		C360	
	Authority to annually publish a revised Table of Fares in respect of Hackney Carriages, consider objections thereto and make a final determination thereon.	In accordance with the Policy and Procedures for the revision of the Table of Fares approved from time to time by the Cabinet and in consultation with the Licensing & Regulation		E377

		Committee. Objections by the trade shall be heard before the Licensing & Regulation Committee		
	<p>Authority to make determinations under the Gambling Act 2005 in respect of the following matters: -</p> <ul style="list-style-type: none"> • applications for the grant, variation or transfer of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence; • applications for a provisional statement; • applications for the grant, renewal or variation of a club gaming permit, club machine permit, licensed premises gaming machine permit or family entertainment centre gaming machine permit • applications for the grant or renewal of a prize gaming permit; • applications for house-to-house and street collections; • registration or revocation of registration of small society lotteries 	<p>Applications for the grant, variation or transfer of a casino premises licence, bingo premises licence, adult entertainment centre licence, family entertainment centre licence or betting premises licence or for a provisional statement stand referred to the Licensing Sub Committee for hearing and determination if representations have been made and have not withdrawn before the date fixed for a hearing.</p> <p>If the Gambling Commission or Police object to the grant or renewal of a club gaming permit or club machine permit or if the applicant holds a Club Premises Licence under the Licensing Act 2003 and the Head of Health and Housing has declined to grant an application for a club gaming permit or club premises licence or if the Head of Health and Housing has refused an application to vary a club gaming permit or club machine permit, then the matter stands referred to the Licensing Sub Committee for hearing and determination.</p>	C361	
	Pursuant to Section 224 of the Gambling Act 2005 authority to issue a counter notice to a Temporary Use Notice		C362	
	Authority under the Gambling Act 2005 to give notice of intention to cancel a club	If a permit holder requests a hearing the matter stands referred to the Licensing Sub	C363	

	<p>gaming permit or club machine permit or to give notice of intention to cancel or vary a license premises machine permit and if in any such case the permit holder does not request a hearing before the Licensing Sub Committee, authority to cancel or vary (as the case may be) such permit.</p>	Committee for determination.		
	<p>Authority to establish and maintain the following statutory Registers pursuant to the Gambling Act 2005:-</p> <ul style="list-style-type: none"> • Register of Premises Licences - Section 156 • Register of Temporary Use Notices - Section 234 • Register of Family Entertainment Centre Gaming Machine Permits – Section 247 and Paragraph 23 of Schedule 10 • Register of Small Lottery Societies - Section 258 and Paragraph 44 of Schedule 11 • Register of Club Gaming Permits and Club Machine Permits - Section 274 and Paragraph 26 of Schedule 12 • Register of Licensed Premises Gaming Machine Permits - Section 283 and Paragraph 22 of Schedule 13 • Register of Prize Gaming Permits - Section 289 and Paragraph 23 of Schedule 14 		C364	

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head Business Support	To act as Proper Officer for the purposes of the Council's responsibilities under the Data Protection Act 1984			E401
	To be responsible for co-ordinating compliance with the requirements of the Freedom of Information Act 2000 and Re-Use of Public Sector Information, throughout the Council, including providing guidance and promoting compliance with relevant legislation, codes and guidance, so as to assist with the easy, appropriate and timely retrieval and provision of information			E402

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Legal & Democratic Services	Authority to carry out the duties of the Monitoring Officer imposed by the Local Government and Housing Act 1989.	Appointment subject to full Council approval	C451	
	Pursuant to Section 223 of the Local Government Act 1972, to prosecute and appear on behalf of the Council at hearings of any legal proceedings and to take all necessary steps in connection therewith to protect the Council's interests and for the expeditious conduct of such action.		C452	E451
	Pursuant to Section 223 of the Local Government Act 1972, the power to grant authorisations to members of the Legal Section to prosecute or defend proceedings in the Magistrates' Court.		C453	E452
	Authority to acquire land where such acquisition has been approved by the Cabinet.	In consultation with the Head of Environment		E453
	<p>Prepare, issue and serve, or, in case of injunctions, apply for :-</p> <ul style="list-style-type: none"> (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices ; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the Town and Country 	<p>Following Planning Committee approval to take action and in consultation with the Head of Sustainable Development except in cases of emergency when action may be taken in consultation with the Head of Sustainable Development and the Chairman of Planning Committee (or in his/her absence the Vice- Chairman). Urgent action shall be</p>	C454	

	<p>Planning Act 1990; and</p> <p>(vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990.</p>	<p>reported to the next meeting of the Planning Committee.</p>		
	<p>Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p>		C455	
	<p>In circumstances where further Enforcement Notices were being issued to withdraw any Enforcement or Stop Notice (but without prejudice to the power to serve another as circumstances warrant).</p>	<p>In consultation with the Head of Sustainable Development</p>	C456	
	<p>Deferring enforcement action pending an appeal against a refusal of planning permission</p>	<p>In consultation with the Head of Sustainable Development</p>	C457	
	<p>Institute legal action in respect of failure to respond to a requisition for information as to interests in land, or to a Planning Contravention Notice under Section 171 C and D of the Town and County Planning Act 1990.</p>	<p>In consultation with the Head of Sustainable Development</p>	C458	
	<p>Institute prosecution proceedings for breach of Town and Country Planning (Control of Advertisements) Regulations 1992 or for fly-posting contrary to Section 224 of the Town and Country Planning Act 1990</p>	<p>In consultation with the Head of Sustainable Development</p>	C459	
	<p>Institute proceedings under the Building Act 1984 in respect of contravention's of, or failure to comply with, any of the provisions of the Building Regulations.</p>	<p>In consultation with the Building Control Manager</p>		E454
	<p>Instruct where necessary any</p>	<p>In consultation with the</p>	C460	E455

	Barrister at Law or Solicitor of the Supreme Court.	relevant Director/Head of Service		
	Pursuant to Section 234 of the Local Government Act 1972, to authenticate documents and to sign on behalf of the Council any notice, order or other document which the Council is authorised or required by or under any enactment to give, make or issue.		C461	E456
	In the absence of the Chief Executive, in accordance with Article 13 authority to sign or where appropriate, seal, any document required to implement or give effect to any decision taken by the Council or one of its Committees and Sub-Committees or the Cabinet.		C462	E457
	Authority to serve notices and grant statutory access easements over Council owned commons pursuant to the Countryside and Rights of Way Act 2000 and any Regulations made thereunder including the power to appoint a qualified valuer to determine the market value or represent the Council in any arbitration proceedings .			E458
	Authority to institute prosecution proceedings for offences under the Licensing Act 2003 and the Gambling Act 2005	In consultation with the Chairman of the Licensing Committee or in his absence, the Vice - Chairman	C463	
	To act as the Senior Responsible Officer for the purposes of RIPA (Regulation of Investigatory Powers Act 2000) – responsible for managing compliance within Council and engaging with OSC.		Cabinet appointment 27.4.10	E459

	Authority to determine request to review a decision to list land/property as an Asset of Community Value			E460
	To act as Proper Officer for the purposes of the Local Government Act 1972 and section 100 of the Access to Information Act 1985 in respect of the authentication , certification and deposit of documents and the administrative arrangements for council meetings, reports and agendas, minutes and background papers		C464	
	To deal with all matters relating to the Council Local Land Charges functions			E461

NOTE - That the Principal Solicitors be authorised to carry out and perform the delegations allocated to the Head of Legal & Democratic Services under the Council's Constitution (particularly the Scheme of Delegation to Officers and Article 13) and to act and sign in the name of the Head of Legal & Democratic Services

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Customer Services	The discharge of any of the functions imposed upon the billing authority by virtue of the Local Government Finance Acts 1988 and 1992 (as amended) in connection with the administration, billing, collection and recovery of Community Charge, Council Tax and the National Non-Domestic Rate. This general delegation is without prejudice to Section 139 of the 1988 Act or Section 67 of the 1992 Act and any procedural requirement stipulated by the Council with regard to the exercise of discretionary powers.			E501
	The administration of the Housing Benefit and Council Tax Benefit Schemes and the determination of claims, notification of awards and payment of any entitlements in accordance with the Housing Benefit (General Regulations) 1987 and the Council Tax Benefit Regulations 1992 (as amended) or any legislation consolidating amending or replacing the same. This general delegation includes the exercise of any discretionary powers available to the Council and any procedural requirements specified by the Council.			E502
	Authority to institute proceedings in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013	In consultation with the Head of Legal and Democratic Services		E503
	Authority to apply a penalty in accordance with the Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England)			E504

	Regulations 2013			
	Authority to institute proceedings in relation to any act of fraud or misappropriation of public funds against the Council in accordance with section 222 of the Local Government Act 1972 (power of authorities to prosecute)	In consultation with the Head of Legal and Democratic Services		E505
	Authority to institute proceedings in accordance with the Prevention of Social Housing Fraud Act 2013	In consultation with the Head of Legal and Democratic Services		E506
	Authority to write off irrecoverable debts in relation to Council Tax, Community Charge and NNDR arrears or Housing Benefit repayments in accordance with Financial Procedure Rules			E507
	Day to day responsibility for Customer Services			E508
	To determine requests for Council Tax reduction by members of the armed forces serving overseas under Section 13A of the Local Government Finance Act 1992	In consultation with the appropriate Portfolio Holder		E509
	Authority to award Mandatory Rate Relief			E510
	Authority to waive or vary individual amount of costs for issuing summons for unpaid Council Tax and NNDR in appropriate circumstances for e.g. in cases of financial hardship or where size of the debt makes it unreasonable to apply the full amount of costs			E511

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Building Control Manager	<p>All activities relating to the discharge of the Council's function as the Local Building Control Authority under the Building Act 1984, the Building Regulations 2010, the Building (Approved Inspectors etc.) Regulations 2010 and the Building (Local Authority Charges) Regulations 2010 (or any statutory amendments, updates or re-enactments thereof) including : -</p> <p>Determining, signing and issuing Decision Notices.</p> <p>Notifying applicants that minor alterations and amendments may be construed as complying with plans previously approved under the Buildings Regulations; and subject to any necessary consultations, issuing notices on non-contentious applications for relaxation or dispensation under the Building Regulations.</p>			E551
	Serving notice requiring contravening work to be pulled down, removed opened up or altered			E552
	Taking enforcement action, including action in default and instituting court proceedings, for breach of the Building Regulations and related legislation	Institution of prosecution proceedings to be in consultation with the Head of Legal and Democratic Services		E553
	Authority under Regulation 3 of the Building (Local Authority Charges) Regulations 2010 to fix charges by means of a scheme and to recover the same	In consultation with the Head of Sustainable Development		E554

	Authority to agree payment in instalments under Regulation 8(1)(i) of the Building (Local Authority Charges) Regulations 2010	In consultation with the Head of Sustainable Development		E555
	Authority to appoint consultants in connection with any of the powers granted to the Building Control Manager by this Scheme of Delegations.	Subject to adequate budgetary provision		E556
	<p>Taking all actions, including serving and rescinding notices, making applications to court, executing work in default and recovering expenses incurred, in relation to the following:</p> <ul style="list-style-type: none"> • Noncompliance with Section 61 of the Building Act 1984 (repair etc. of drain) • Provision of exits, entrances, passages and gangways to buildings; • Provision of means of escape from fire; • raising of chimneys or flues; • construction of cellars below the subsoil water level; • defective premises; • dangerous buildings or structures including the taking of emergency measures; • demolition notices; • paving and drainage of yards and passages; and • maintenance of entrances to courtyards. 	Institution of prosecution proceedings to be in consultation with the Head of Legal and Democratic Services		E557

	Responding to consultation by the Fire Authority under the Regulatory Reform (Fire Safety) Order 2005		C551	
	Dealing with matters arising under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 relating to undertaking works to buildings which are not effectively secured	The Head of Environment has an identical delegation		E558
	Dealing with dangerous excavations pursuant to Section 25 of the Local Government (Miscellaneous Provisions) Act 1976			E559
	Responding to consultations from Bucks County Council about issuing, amending and/or replacing safety certificates (whether general or special) for sports grounds pursuant to the Safety of Sports Grounds Act 1975.	The Head of Healthy Communities has an identical delegation	C552	

5. DELEGATIONS TO EXTERNAL BODIES OR PERSONS (OTHER THAN BY JOINT ARRANGEMENTS)

Person or Body	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Bucks County Council	The exercise of the Council's functions under sections 46, 47 and 48 of the Buckinghamshire County Council Act 1957, incorporating as necessary and with amendment the provisions of Section 290 of the Public Health Act 1936, in relation to roadside ditches.			E601
Chief Fire Officer - Bucks & Milton Keynes Fire Service	Authority to designate Officers to inspect the following licensed premises in respect of fire precautions on behalf of the Council <ul style="list-style-type: none"> • Theatres • Public Buildings, • Riding Establishments 		C601	
Chief Constable of Thames Valley Police	In accordance with the Road Traffic(Vehicle Emissions)(Fixed Penalty)(England) Regulations 2002 authority to issue or authorise a Police and Community Support Officer to issue a fixed penalty notice to a driver of a vehicle who has left his engines running unnecessarily and who has failed to switch it off when requested to do so, together with authority to withdraw a fixed penalty notice or require a driver to furnish certain particulars or to recover an unpaid fixed penalty	NB Environmental Health Officers and Parking Wardens also have the power to issue a fixed penalty notice under these provisions	C602	

6. THE PROPER OFFICER

- 6.1 This term is used in legislation to indicate the Officer appointed by a local authority to carry out specific duties.
- 6.2 The Proper Officer in all cases is the Chief Executive, except as follows:-

- 1) Matters clearly within the delegated power of a Director or Head of Service - that Director or Head of Service.
 - 2) Matters relating to the administration of the Council's financial affairs – the Head of Finance.
 - 3) Matters relating to the Registers of Members Interests and Officers Interests in Contracts and Gifts and Hospitality – the Head of Legal & Democratic Services.
 - 4) The receipt of Notices pursuant to the Procedure for Speaking at Planning Committee - the Head of Sustainable Development
- 6.3 Where the office of a Proper Officer is vacant, or the Proper Officer is unable to act, any person appointed as his deputy has all the functions of the holder of the office.

SECTION A. SUMMARY OF STATUTORY RIGHTS OF INSPECTION OF DOCUMENTS

1. TABLE OF ABBREVIATIONS

- 1.1 The following table is a summary of the public's rights to inspect and copy documents under legislation other than Parts V.A. and XI of the Local Government Act 1972. For details of the rights of inspection governed by the Local Government Act 1972, please refer to the Access to Information Rules set out in Section D of Part 4 of this Constitution
- 1.2 The Council has also adopted a Publication Scheme under the Freedom of Information Act 2000 which describes the categories of information that the Council routinely published and to which the public have access in accordance with the terms of the Scheme. The Scheme overlaps to a degree with other rights of access including the following statutory rights. Nevertheless, the Scheme is self contained and should be read separately as it may be that information not available to the public by express statutory provision will be made available under the terms of the Scheme. The Publication Scheme and the majority of information covered by the Scheme can be found on the Council's web site **www.chiltern.gov.uk**
- 1.3 The office to which requests to see any of the documents referred to below should be made, is shown in the left-hand column of the table by the following abbreviations:-

CE	- Chief Executive
DR	- Director of Resources
DS	- Director of Services
BCM	- Building Control Manager
HE	- Head of Environment
HF	- Head of Finance
HHC	- Head of Healthy Communities
HLDS	- Head of Legal and Democratic Services
HSD	- Head of Sustainable Development
HBS	-Head of Business Support
HCS	- Head of Customer Services
BCC	- Indicates that this is a function of the Buckinghamshire County Council and enquiries should be made initially at County Hall, Aylesbury Bucks. (Tel 01296 3950000)

- 1.4 A fee may be payable for inspection or copying of certain documents and, if so, this fact is stated in the text. Unless the law requires otherwise, charges will be the same as those required by the Council for copies of Committee papers etc.

2. FINANCIAL MATTERS

Contact Officer	Matter
HCS	<p>FINANCIAL <u>Local Government Finance Act 1988- Schedule 9. Para 8</u></p> <p>In relation to the National Non-Domestic Rate a person may inspect :-</p> <ol style="list-style-type: none"> 1) a list (valuation list) currently in force or a list in force at any time in the preceding 5 years; 2) any proposal made or notice of appeal given under regulations made under Section 55 of the above Act, if made or given as regards a list currently in force or a list in force at any time in the preceding 5 years; 3) minutes of the proceedings of a Valuation Tribunal; 4) a copy of a proposed list not yet in force.
HCS	<p><u>Social Security Administration Act 1992, Social Security Contributions and Benefits Act 1992, Housing Benefits (General) Regulations 1987 and Council Tax Benefit (General) Regulations 1992.</u></p> <p>This requires local authorities granting Housing and Council Tax Benefit to:-</p> <ol style="list-style-type: none"> 1) take appropriate steps to ensure that people with a potential entitlement to Housing and Council Tax Benefit are aware of the provisions for help; and 2) make a copy of the schemes (that is, the statutory schemes and any local variations) available for inspection without charge at their principal office at reasonable hours.
HCS	<p><u>Local Government Finance Act 1992 –Section 28(2)</u></p> <p>Rights of Inspection of Valuation Lists.</p> <p>A person may require a billing authority to give him/her access to such information as will enable him/her to establish what is the state of a copy</p>

	<p>of a list or has been its state if the list is in force or has been in force at any time in the preceding five years.</p> <p>There is a right to make or require to be made copies or a transcript of extracts from the valuation list. The billing authority can impose a reasonable charge for their services. Refusal to pay entitles the Authority to decline to provide a copy or transcript.</p>
HF	<p><u>Local Government Finance Act 1992 –Section 29</u></p> <p>A person may, on payment of a reasonable charge:-</p> <ol style="list-style-type: none"> 1) make copies of a document relating to proposals and appeals; or 2) require the person having custody of such a document to provide him with a photographic copy. <p><u>Local Audit and Accountability Act 2014</u></p>
HF	<p>Where an auditor has sent an immediate report to the Council or its Chairman, a member of the public has the right to inspect the report free of charge and can, on the payment of a reasonable sum, require a copy of the report or part of it, to be supplied to him.</p> <p><u>Local Audit and Accountability Act 2014</u></p>
HF	<p>Any local government elector for the area of a local authority whose accounts have to be audited in accordance with this Act has the right to see and make copies of:-</p> <ol style="list-style-type: none"> 1) any statement of account 2) any report made by the auditor to the local authority <p>and can on payment of a reasonable fee require copies of the statement or report to be delivered to him.</p> <p><u>Local Audit and Accountability Act 2014</u></p>
HF	<p>Members of the public generally have the right to inspect and make copies of the accounts of a local authority which are subject to audit by the Audit Commission, together with associated documents.</p> <p><u>Local Audit and Accountability Act 2014</u></p>
HF	<p>Where a local authority officer receives any money or other property on behalf of the authority the accounts of that officer are available for the</p>

HLDS	<p>public to inspect.</p> <p><u>Section 18 Local Government and Housing Act 1989 and the Local Authorities (Members' Allowances) (England) Regulations 2003</u></p> <p>These Regulations require the Council to annually determine and publish within the district, a Scheme of Allowances for Councillors, having taken into account the report and recommendations of an independently constituted Allowances Panel. The report of the Panel and the Scheme of Allowances made are available for public inspection at all reasonable office hours and copies must be supplied on payment of a reasonable fee. The amounts paid to Councillors under the Scheme must also be published annually</p>
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3. HEALTH AND ENVIRONMENT MATTERS

HHC	<p><u>Environmental Protection Act 1990 – Section 20(7)</u></p> <p>Imposes a duty on the Council to keep available for public inspection at their main office at all reasonable hours a register relating to applications for and the grant of authorisations in respect of “prescribed” processes. (Activities capable of causing pollution to the environment). Copies of entries on the register may be obtained on payment of a reasonable fee.</p>
HHC	<p><u>Environmental Protection Act 1990 – Section 64(7)</u></p> <p>Members of the public have the right to see at the main office of the Council at all reasonable hours the noise level register which contains a record of measurement of the level of noise emanating from premises within a noise abatement zone. Copies of entries on the register may be obtained on payment of a reasonable fee.</p>
HHC	<p><u>Environmental Protection Act 1990 – Section 78R(8)</u></p> <p>Imposes a duty on the Council to keep available for public inspection at their main office at all reasonable hours a register relating to remediation notices, appeals against remediation notices and remediation statements or declarations in respect of contaminated land. Copies of entries on the register may be obtained on payment of a reasonable fee.</p>
HHC	<p><u>Environmental Protection Act 1990 – Section 95</u></p> <p>Imposes a duty on the Council to keep available for public inspection at their main office at all reasonable hours a register relating to land designated as Litter Control Areas which also contains copies of Street Litter Control Notices which have been issued by the Council. Copies of</p>

<p>HHC</p>	<p>entries on the register can be obtained on payment of a reasonable fee.</p> <p><u>Environmental Protection Act 1990 –Section 149(8)</u></p> <p>A register containing prescribed particulars relating to dogs which have been seized because they were straying.</p> <p><u>Wildlife and Countryside Act 1981- Section 57(5)</u></p>
<p>BCC/ HE</p>	<p>This requires the County Council to keep definitive maps and statements showing public rights of way along footpaths, bridleways, roads used as public paths and bye-ways open to all traffic. These maps are open to public inspection free of charge at all reasonable hours and are available at one or more places in each District within the County – including the CDC main office.</p>
<p>BCC</p>	<p><u>Wildlife and Countryside Act 1981- Paragraph 3(8)(a) of Schedule 15</u></p> <p>Members of the public may at all reasonable hours inspect and take copies of any documents which the County Council took into account in preparing an Order to modify the definitive map. This right exists at any time after the publication of the Modification Notice and before the expiration of the period specified in the Notice.</p> <p><u>Radioactive Substances Act 1993 –Section 39</u></p>
<p>HHC</p>	<p>County and District Council required to keep documents provided to it by the Environment Agency. Public are entitled to inspect the documents at all reasonable times and obtain copies on the payment of a reasonable fee, unless the Environment Agency has directed that a document is not available for public inspection.</p> <p><u>Water Industry Act 1991- Section 200</u></p>
<p>HE</p>	<p>Imposes a duty on the Council to make available for public inspection the sewer maps deposited with them by Sewerage Undertakers. Members of the public may inspect the map at all reasonable hours free of charge.</p> <p><u>Reservoirs Act 1975- Section 2(2)</u></p>
<p>BCC</p>	<p>Members of the public have the right to see the register maintained by the County Council which shows the large raised reservoirs in their area and Information about each of them. The register is kept at the principal office of the County Council and is open for inspection at all reasonable hours.</p> <p><u>Food Safety Act 1990-Section 5(1) and Food Premises (Registration)</u></p>

<p>HHC</p>	<p><u>Regulations 1991</u></p> <p>A register of Food Premises and proprietors maintained by the Council. A police constable or an authorised officer of a number of specified authorities may inspect the register and a copy of the register or an entry in it shall be sent or given to such a person if he reasonably requests it. The register shall also be open to inspection by the public and the Council may give or send a copy of the register or entry in it. A charge (at the Council's discretion) may be imposed.</p> <p><u>Clean Air Act 1993 - Section 38(5)</u></p> <p>A register of information on atmospheric pollution maintained by the Council. It must be open for inspection at the Council's principal office during all reasonable hours free of charge. Copies of entries on the register can be obtained on payment of a reasonable fee.</p>
<p>HHC</p> <p>HHC</p> <p>HHC</p> <p>HHC</p>	<p><u>Control of Atmospheric Pollution (Research and Publicity) Regulations 1977 and Environmental Information Regulations 2004</u></p> <p>These regulations make provision for public access to certain environmental information held by the Council.</p> <p><u>Hazardous Substances Act 1990 – Section 28</u></p> <p>A register of applications for hazardous substances consent made to the Council. It must be open for inspection during all reasonable hours free of charge. Copies of entries on the register can be obtained on payment of a reasonable fee.</p> <p><u>The Environment and Safety Information Act 1988</u></p> <p>A register of notices served by the Council in relation to health, safety and environmental protection. It must be open for public inspection during all reasonable hours free of charge. Copies of entries on the register can be obtained on payment of a reasonable fee.</p> <p><u>Private Water Supply Regulations 1991</u></p> <p>A register containing details of private water supplies within the district area including the results of all water samples taken. It must be open for inspection during all reasonable hours charge. Copies of entries on the register can be obtained on payment of a reasonable fee.</p>

4. HIGHWAYS MATTERS

<p>BCC</p>	<p><u>Highways (Inquiries Procedure) Rules 1994 - Rule 6(2)</u></p> <p>These rules govern Local Inquiries relating to the construction and improvement of trunk, special and side roads and associated works. Members of the public who have been served with a Notice of the proposed construction/improvement and who have objected to it may inspect and where practicable take copies of the promoting authority's statement and supporting documents which will be referred to at the Inquiry.</p>
<p>BCC</p>	<p><u>Highways (Inquiries Procedure) Rules 1994 - Rule 6(7)</u></p> <p>This gives a right to any person to inspect and where practicable to take copies of the promoting authority's statement and supporting documents.</p>
<p>BCC</p>	<p><u>Highways Act 1980 - Section 36(7)</u></p> <p>This requires all County Councils and London Boroughs to prepare a list of streets in their areas which are highways maintainable at the public expense. Such a list may be inspected free of charge and at all reasonable hours at the offices of the Council by whom it was made and also at the offices of all District Councils within the County.</p>
<p>BCC</p>	<p><u>Highways Act 1980 - Section 37(5)</u></p> <p>Members of the public have the right to see free of charge and at all reasonable hours:-</p> <ul style="list-style-type: none"> Certificates of acceptance of private highways 'dedicated' to public use; and Orders made by the Magistrates Court having similar effect i.e. a highway becomes maintainable at the public expense.
<p>BCC</p>	<p><u>Noise Insulation Regulations 1975 – Regulation 6(3)</u></p> <p>This requires the highway authority to compile a major list which identifies (i) every building eligible for a noise insulating grant and (ii) every building on which insulation works will be carried out by the highway authority. This map or list is available at the offices of the</p>

	<p>highway authority or its agent nearest to the appropriate building for a period of six months from the date on which a highway was first open to public traffic.</p> <p><u>New Roads and Street Works Act 1991 - Section 53</u></p>
BCC	<p>A register of street works executed or proposed to be executed in streets in the area that must be kept available for public inspection at all reasonable hours.</p> <p><u>Transport and Works Act 1992 – Section 14</u></p>
BCC	<p>Documents deposited with the Council by the Secretary of State relating to orders made for the construction or operation of a transport system in the area of the County Council.</p>

5. HOUSING MATTERS

BCC	<p><u>Registered Homes Act 1984 – Section 7</u></p> <p>Members of the public have the right to see the register kept by the local Social Services Authority which contains details of residential care homes and persons in control of such homes. This right exists at all reasonable times and copies of the register may be taken on payment of a reasonable fee.</p>
HHC	<p><u>Housing Act 1985 - Section 105(6)</u></p> <p>This requires a landlord authority which is a registered housing Association to send a copy of the published arrangements for housing management to:-</p> <ol style="list-style-type: none"> 1) the Housing Corporation; and 2) the District Council or London Borough in which there are dwelling houses let by the Association under assured tenancies. <p>The public may inspect the copy sent to the District Council, at its principal offices at all reasonable hours. There is no fee.</p> <p><u>Housing Act 1985 - Section 106(3)</u></p>
HHC	<p>Members of the public have the right to see at all reasonable hours the rules of registered housing associations for determining priority between applicants for housing and the rules for the transfer of tenants. A copy of any such rules relating to registered housing associations operating in</p>

	<p>the district can be inspected free of charge at all reasonable hours at the Council offices.</p> <p><u>Housing Act 1985 - Section 349(3)</u></p>
HHC	<p>Members of the public have the right to see at all reasonable hours a copy of the registration scheme kept by the local housing authority containing details of houses in multiple occupation and those with poor sanitary conditions. A copy can be requested for a reasonable fee.</p> <p><u>Housing Act 1985 - Section 414(3)</u></p>
HHC	<p>Any person may apply to the proper officer of the local housing authority for a certified copy of an entry in the Register of Common Lodging Houses (ie a house other than a public assistance institution provided to accommodate by right poor persons for the purpose of sleeping/eating). There is no fee.</p> <p><u>The Access to Personal Files Act 1987 and Access to Personal Files (Housing) Regulations 1989</u></p>
HHC	<p>Provides for access by persons to personal information concerning them held by the Council in connection with its housing functions</p>

6. MISCELLANEOUS

	<p><u>Local Land Charges Act 1975 – Section 8</u></p>
HLDS	<p>On payment of a prescribed fee, members of the public may search in the Local Land Charges Register kept by the District Council. Copies of any portion on the register may be requested.</p>

	<p><u>Commons Registration Act 1965 – Section 3(2)</u></p>
BCC	<p>Members of the public have the right to see the Register maintained by the Registering Authority containing details of all common land, town and village greens and ownership of rights over them. Inspection is free of charge.</p> <p><u>Representation of the People Act 1983 - Section 89(1)</u></p>
CE	<p>Members of the public have the right to see any returns or declarations and accompanying documents relating to election expenses sent by a candidate at a parliamentary or local government election to the appropriate local authority office. This right continues for a period of two years after the receipt of the returns. A fee is charged. Copies may be requested on</p>

CE	<p>payment of a small fee. (Both fees set by Order).</p> <p><u>Local Elections (Principal Areas) Rules 1986 and Local Elections (Parishes and Communities) Rules 1986 (as amended)</u></p> <p>The following documents are open to public inspection for six months following the day of a local election:-</p> <p style="padding-left: 40px;">Ballot paper accounts, statements as to rejected ballot papers, statements of the result of verification of ballot paper accounts.</p> <p style="padding-left: 40px;">Tendered votes lists, lists of blind voters assisted by companions and declarations made by the latter, lists of votes marked by the Presiding Officer and statements relating thereto.</p> <p style="padding-left: 40px;">Marked copies of the Registers of Electors and Lists of Proxies, used at the Polling Station.</p> <p>Copies may also be taken and fees for inspection and copying are chargeable at the Council's discretion.</p>
CE	<p><u>Local Government Act 1972 - Section 60(2)(c)</u></p> <p>This requires a District Council which is proposing to conduct a review relating to changes in Local Government areas or electoral arrangements to deposit copies of:-</p> <p style="padding-left: 40px;">draft proposals or recommendations</p> <p style="padding-left: 40px;">any draft Order containing changes in electoral arrangements, or</p> <p style="padding-left: 40px;">any interim decision not to make any proposals, recommendations or Order</p> <p>at the offices of a principal Council whose area may be affected. Any such Council is required to keep the copies available for inspection at their offices for a period specified by the District Council/Commission.</p>
	<p><u>Local Government Act 1972 - Section 60(5)(b)</u></p>
CE	<p>This requires a District Council which makes a report, proposal or recommendation in respect of changes in Local Government areas or electoral arrangements to deposit copies of the report, proposal or recommendation at the offices of any principal Council whose area may be affected. Any such Council is required to keep the copies available for public inspection for a period of six months from the date of the Order which brings the proposals into effect.</p>

CE	<p><u>Local Government Act 1992 – Sections 15(3) (c), 15(4)(c) and 15(5)</u></p> <p>In conducting reviews of principal areas, the Local Government Commission must deposit copies of its draft recommendations at the principal office of any principal Council appearing to the Commission to be likely to be affected by them; and must similarly deposit copies of its final recommendations to the Secretary of State. The copies of such draft or final recommendations must be kept available for inspection throughout the period within which representations must be made or as the case may be, within which they may be inspected.</p>
CE	<p><u>Local Government Act 1974 – Section 30(4) and (7)</u></p> <p>Members of the public have the right to see at all reasonable hours reports of investigations made by the Local Government Ombudsman, such investigations having been undertaken as a result of a written complaint made on behalf of a person who claims to have sustained injustice as a consequence of maladministration. This right exists for a period of three weeks and no charge is made. Copies or extracts from the report can be taken. The Local Commissioner may however direct that in the interests of the public and the complainant the report is not available for inspection.</p>
HLDS	<p><u>Local Government Act 1972 - Section 236</u></p> <p>Copies of bylaws on a variety of subjects may be inspected by members of the public at all reasonable hours without charge. Copies can be made at a charge not exceeding 10 pence per 100 words.</p>
HLDS	<p><u>Compulsory Purchase (Inquiries Procedure) Rules 2007</u></p> <p>These rules govern Inquiries relating to a local authority's proposal to exercise its powers to acquire land by means of compulsory purchase. Members of the public have a right to be given a reasonable opportunity to inspect and where practicable to take copies of:-</p> <ul style="list-style-type: none"> (i) the statement of the authority which proposed to purchase the land; (ii) the documents which the authority intends to refer to or put in evidence at the Inquiry.
HF	<p><u>Local Government Planning and Land Act 1980 - Section 2 as amended by Local Government Act 1999- Section 20</u></p> <p>A copy of the Authority's Annual Report and Financial Statement may be inspected by members of the public.</p>

CE	<p><u>Representation of the People Act 1983 - Section 9</u></p> <p>Members of the public have the right to inspect free of charge, a register of persons who are eligible to vote in elections.</p>
HHC	<p><u>Charities Act 1993 - Section 76</u></p> <p>A publicly available index containing such information as the names of the Trustees, charitable objects of a local charity and its accounts.</p>
HHC	<p><u>Town Police Clauses Act 1847</u></p> <p>A register containing information about the owners and drivers of taxis and the period of licences granted.</p>
HHC	<p><u>Local Government (Miscellaneous Provisions) Act 1976 - Section 51</u></p> <p>A register containing information about the drivers of private hire vehicles.</p>
HE	<p><u>Allotments Act 1908 - Section 28</u></p> <p>Requires the Council to prepare a document setting out rules and conditions relating to the letting of statutory allotments. The rules must be available for public inspection</p>
HHC	<p><u>Gambling Act 2005</u></p> <p>Information about licences for fruit machines.</p>
HLDS	<p><u>Local Government Act 2000 - Section 22 and Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2000 (as amended)</u> <u>Regulation 5</u></p> <p>Requires the Council's proper officer to ensure that decisions taken by the Cabinet or a "key" decision taken by Officers are recorded and made available for public inspection at the Council's offices as soon as practicable, together with the whole or part of any report relevant to the decision taken. Copies must be supplied to the press on payment of postage, copying or other necessary charge for transmission.</p>
HLDS	<p><u>Regulation 6</u></p> <p>When a report is made available for public inspection under Regulation 5 the proper officer shall at the same time prepare a list of background papers to the report. The list and a copy of any document included on the list must also be available for public inspection at the Council's offices on</p>

	payment of a reasonable fee.
HLDS	<p><u>Regulation 11</u></p> <p>A copy of the Agenda and any report of a public meeting of the Cabinet must be available for inspection by the public at the Council's offices, at least three clear days before the meeting.</p>
HLDS	<p><u>Regulation 12</u></p> <p>The Cabinet Leader must instruct the proper officer to publish annually in at least one newspaper circulation in the locality, a document which gives details of various matters concerning the Cabinet's 28 Day Notice, including, dates of publication and rights of inspection and copying of the Notice and any documents referred to in it. Publication must take place at least 14 but not more than 21 days before the first 28 Day Notice of the year comes into effect.</p>
HLDS	<p><u>Local Government Act 2000 - Section 29</u></p> <p>As soon as practicable after passing a resolution to operate executive arrangements the Council must secure that copies of a documents setting out the provisions of the arrangements are available at the its principal offices for inspection by members of the public at all reasonable hours. The must also publish a notice in one or more newspapers circulating in the locality which states the date from which the Council will begin to operate executive arrangements, describe the main features of the arrangements and state that that copies of a document setting out the provisions of the arrangements are available for inspection at the Council's principal office.</p>
HLDS	<p><u>Local Government Act 2000 – Section 37</u></p> <p>When the Council begins to operate executive arrangements it must prepare and keep up to date a constitution. The public have the right to inspect the constitution at the Council's principal office during all reasonable hours. Copies may be obtained on the payment of such reasonable fee as the Council determines</p>

7. PLANNING AND BUILDING CONTROL MATTERS

HSD	<p><u>Town and Country Planning (Control of Advertisements) Regulations 2007</u></p> <p>Members of the public may see at all reasonable hours the register kept by the local planning authority of applications for consent to display advertisements on land and the decision of the authority.</p>
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<p>HSD</p>	<p><u>Town and Country Planning (Trees) Regulations 1999 (as amended) - Regulation 3(3)</u></p> <p>Members of the public have the right to inspect at all reasonable hours a copy of a Tree Preservation Order which the Council has placed on deposit following the making of an Order.</p> <p><u>Town and Country Planning (Trees) Regulations 1999 (as amended) - Regulation 6</u></p> <p>HSD</p> <p>Members of the public have the right to inspect at all reasonable hours a copy of a Tree Preservation Order which the Council has placed on deposit following the confirmation of an Order.</p> <p><u>Town and Country Planning (Tree Preservation Order) Regulations 1969 - Paragraph 4(2) of the Schedule</u></p> <p>HSD</p> <p>Members of the public have the right to inspect at all reasonable hours the register of applications for consents to carry out works to a tree protected by a Tree Preservation Order. (Orders made before 2 August 1999 – Orders made after 2 August 1999 – refer to Section 198(4) (a) Town & Country Planning Act 1990, below.)</p> <p><u>Town and Country Planning Act 1990 - Section 69</u></p> <p>HSD</p> <p>Members of the public have the right to see at all reasonable hours the register kept by the local planning authority containing planning applications and determinations.</p> <p><u>Town and Country Planning Act 1990 - Section 198(4)(a)</u></p> <p>HSD</p> <p>A register of applications for consent to works under Tree Preservation Orders and their results must be available for inspection by the public at all reasonable hours.</p>
<p>HSD</p>	<p><u>Town and Country Planning Act 1990 - Section 214</u></p> <p>Members of the public have the right to see free of charge and at all reasonable hours the register kept by the District Council containing details of notifications by persons intending to carry out acts affecting trees in Conservation Areas and the subsequent decision of the District Council.</p> <p><u>Town and Country Planning Act 1990 - Section 188(3)</u></p>

HSD	<p>Members of the public have the right to see at all reasonable hours the register kept by the District Planning Authority of Enforcement Notices (served where there is a breach of planning control) and Stop Notices (served to prohibit any activity complained of in an Enforcement Notice) and breach of condition notices which relate to land in their area.</p> <p><u>Town and Country Planning (Inquiries Procedure) Rules 2000</u></p>
HSD	<p>These Rules apply to Local Inquiries and hearings held in connection with applications referred or Appeals to the Secretary of State in respect of:-</p> <ul style="list-style-type: none"> (i) Section 78 Town and Country Planning Act 1990 - appeals against refusal of planning permission or non-determination of a planning application. (ii) Applications for consent under a Tree Preservation Order or appeal against such an Order. (iii) Applications for Listed Building Consent referred under Section 12 of the Listed Building Act 1990 or variation or discharge of conditions attached to a Listed Building Consent. (iv) Applications for Conservation Area Consent referred under Section 12 of the Listed Building Act 1990. <p><u>Rule 6(11)</u></p>
HSD	<p>This provides for a right of inspection and where practicable copying of the Local Planning Authority's Pre-Inquiry Statement and associated documents by the appellant and parties who object to the application.</p> <p>It also provides for any other person and where practicable to copy the Secretary of States pre-Inquiry Statement, the Local Planning Authority's pre-Inquiry Statement and associated documents and any Statement served by the appellant.</p> <p><u>Town and Country Planning Appeals (Inquiries Procedure) (England) Rules 2000 – as amended</u></p>
HSD	<p>These Rules apply to Local Inquiries and hearings outlined above under the Town and Country Planning (Inquiries Procedure) Rules 1992, but where the Appeals are determined by an Inspector appointed by the Secretary of State.</p> <p><u>Rule 6(13)</u></p>

	<p>Provides for a right of inspection and where practicable copying of the Local Planning Authority's pre-Inquiry Statement and associated documents by the appellant and parties who object to the application. It also provides for any other person to inspect and where practicable to copy the Local Planning Authority's pre - Inquiry Statement and associated documents and any statement served by the appellant.</p> <p><u>Town and Country Planning (Enforcement) (Inquiries Procedure) Rules 2002 as amended</u></p>
HSD	<p>These Rules govern Local Inquiries held for the purpose of Appeals against Enforcement Notices, Listed Building Enforcement Notices and Appeals in respect of applications for Certificates of Lawful Use or Development.</p> <p><u>Rule 8(13)</u></p>
HSD	<p>The local planning authority must afford to any person who so requires it the opportunity to inspect and, where practicable, take copies of any Statement of Case or other document served on it (e.g. by the appellant or a third party). The authority's own Statement of Case or any document mentioned in it must also be made available for inspection/copying.</p> <p><u>Town and Country Planning (Development Plan) (England) Regulations 1999 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2004</u></p>
HSD	<p>These Regulations govern the preparation and subsequent availability to the public of the Local Plan and Local Development Document.</p> <p><u>Part 6 – 2004 Regulations</u></p>
HSD	<p>Where a local planning authority is preparing a Local Development Document, they must place certain documents on deposit and members of the public have the right, on payment of a reasonable fee, and at all reasonable hours, to inspect copies of any plan or other documents, which have been made public. Copies must be provided on the payment of a reasonable fee.</p>
HSD	<p><u>Regulation 51 – 2004 Regulations</u></p> <p>Provides that copies of any documents or lists or notices that the public are entitled to inspect under these Regulations can be obtained from the local planning authority on payment of a reasonable charge.</p>
HSD	<p><u>Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 2</u></p> <p>Members of the public have the right to see at all reasonable hours copies of any list supplied by the Secretary of State to a local Planning Authority,</p>

	containing details of buildings in the area of special or architectural interest.
HHC	<p><u>Planning (Hazardous Substances) Act 1990 - Section 28</u></p> <p>Members of the public have the right to see at all reasonable hours a register containing information about planning applications for premises which are used for the storage and processing of hazardous substances.</p>
HSD	<p><u>Planning and Compensation Act 1991 – Section 40(2)</u></p> <p>Members of the public have the right to see at all reasonable hours the Local Plan or proposal for its alteration for a limited period prior to its final determination.</p>
BCM	<p><u>Building Act 1984 - Section 56</u></p> <p>Members of the public have the right of access to the register of notices and certificates issued in relation to the Approved Inspector scheme of building control.</p>

PART 9**LOCAL PROTOCOLS**

SECTION A	PROCEDURES TO BE ADOPTED AT "CALL- IN" MEETINGS OF AN OVERVIEW COMMITTEE
SECTION B	PROCEDURE TO BE ADOPTED AT AN INVESTIGATIVE MEETING OF AN OVERVIEW COMMITTEE (EXCLUDING "CALL -IN")
SECTION C	OFFICER PROTECTED DISCLOSURE POLICY (WHISTLE-BLOWING)
SECTION D	WHISTLE BLOWING POLICY FOR MEMBERS
SECTION E	ANTI FRAUD, BRIBERY AND CORRUPTION POLICY
SECTION F	COMPLAINTS AGAINST COUNCILLORS HOW TO COMPLAIN AND COMPLAINTS FORM
SECTION G	PETITIONS SCHEME

PART 9

SECTION A: Procedures To Be Adopted At "Call-In" Meetings Of An Overview Committee

1. General

- 1.1 Council Procedure Rules apply with some modifications.
- 1.2 The Scrutiny Committee will not Call-In individual decisions relating to development control, licensing or regulatory matters or matters relating to complaints about members within the purview of the Audit and Standards Committee.

2. Interests

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest** in accordance with paragraph 8 of the Code of Conduct and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been obtained under section 33 of the Localism Act 2011. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with.

3. Procedure For Calling A Meeting To Consider A Call-In

- 3.1 The procedure will be as follows:
 - 1) When the Proper Officer receives a valid Notice of Call-In he will notify the Chairman of the Scrutiny Committee and agree with him a meeting date for consideration of the Call-In. This will be not more than 7 working days from the date of the Call-In. The Chairman will also consider which Cabinet Member(s) and/or Officer(s) should be required to attend the meeting.
 - 2) Once a date has been agreed the Proper Officer will notify the Leader of the Cabinet of the Call-In and any other Cabinet Member or Officer required to attend the meeting. The Notice of Call-In will be supplied to the Cabinet Leader and any prospective witness together with a copy of this Protocol.

4. Scope Of Call-In

- 4.1 The Scrutiny Committee is not a decision making body and in relation to a Call-In can only recommend that the Cabinet re-considers a decision it has already made but not implemented. In addition, the Constitution requires Call-In's to be investigated and a conclusion reached at a single meeting. Given these constraints, any Call-In investigation should direct its efforts to the manner in which the decision was made and not to the merits of the decision itself, namely:
 - 1) In making the decision is it apparent that the Cabinet has complied with the principles of decision making set out in Article 12 of the Constitution?
 - 2) Is the decision within the Budgetary and Policy Framework?
 - 3) Before making the decision, were alternative courses of actions considered?

- 4) Would further research be likely to result in a different decision and would the costs of that research and any delays be justified in terms of the benefits conferred by a different decision?
- 5) Has new information come to light (whether before or as a result of a Call-In investigation) which would justify reconsideration of the decision?

5. Witnesses

5.1 The Scrutiny Committee may require any of the following to attend a Call-In Meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet, usually the relevant portfolio holder;
- 2) An officer (other than a political advisor).

Provided that:

- 1) At least 48 hours notice is given to a Cabinet Member required to attend and subject to the right of that Cabinet Member to nominate another Cabinet Member to attend if he is unable to do so himself;
- 2) The consent of the Chief Executive or relevant Director is sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the Scrutiny Committee for advice they have given or decisions they have taken.

6. Procedure At The Meeting

6.1 The Chairman or Vice Chairman responsible for Calling In the decision under consideration will address the Committee giving reasons for the Call-In and why the Committee should proceed to consider it. Members will have the opportunity of asking questions following which the Chairman will move a motion that the decision the subject of the Call-In be investigated. If that motion is lost the Chairman will thank any prospective witnesses for their attendance and declare the meeting closed unless there are any other items of business on the Agenda. The Chairman will also notify the Leader of the Cabinet of the decision in writing. If the motion is carried the Committee should agree the order in which witnesses are interviewed and then proceed with witness examination.

7. Witness Examination and Evidence Gathering

7.1 The procedure will be as follows:-

- 1) A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.

- 2) A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.
- 3) At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter.
- 4) Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 5) A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will:
 - (i) be entitled to seek clarification from the questioner of any question posed;
 - (ii) be given adequate time to answer a question;
 - (iii) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
 - (iv) be entitled to respect for his personal or private life except, where this impinges directly upon the performance of a duty owed to the Council.
- 6) Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.
- 7) Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either:
 - (i) rule that the question be pursued or be not pursued;
 - (ii) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.

8. Conclusion of Investigation

8.1 After all the witnesses have been heard, the Committee will consider the evidence heard and reach a decision. The decision taken will fall within one of the following categories:

- That the Committee is satisfied with the decision of the Cabinet;
- That the decision under consideration be referred back to the Cabinet with a recommendation that The Chairman will also notify the Leader of the Cabinet of the decision in writing.

PART 9

SECTION B: Procedures To Be Adopted At Investigative Meetings Of An Overview Committee (Excluding Call-In)

1. General

- 1.1 Council Procedure Rules apply with some modifications.
- 1.2 The Overview Committee will not investigate or examine individual decisions relating to development control, licensing or regulatory matters or complaints about members' conduct within the purview of the Audit and Standards Committee.

This protocol also applies to any Sub-Committee appointed by Overview Committee.

2. Interests

- 2.1 In addition to the usual rules on interests, members should take special note of the circumstances in which it will be necessary to declare a **prejudicial interest** under paragraph 8 of the Code of Conduct and withdraw from the meeting during consideration of the item that gave rise to the interest, unless a dispensation has been granted under section 33 of the Localism Act 2011. If so, the terms of the dispensation, for example the right to attend and speak but not vote, must be strictly complied with.

3. Speakers

- 3.1 The Overview Committee may require any of the following to attend a meeting to give advice and/or answer questions:-

- 1) A member of the Cabinet;
- 2) An officer (other than a political advisor)

provided that the consent of the Chief Executive or relevant Director will be sought before an officer below Head of Service level is required to attend. In such circumstances, the Chief Executive, relevant Director or Head of Service will also have the right to attend and be heard, or nominate another senior officer on their behalf to be heard. Officers shall be accountable to the Overview Committee for advice they have given or decisions they have taken.

- 3.2 The Overview Committee may request any of the following to attend a meeting to give advice or answer questions:

- 1) Any elected or nominated or co-opted member;
- 2) A representative of any outside body whose powers or interests are relevant to the matter under consideration ;
- 3) Any external expert provided any fees and expenses can be met from within the Committee budget;
- 4) Any resident of the District or any person with a legitimate interest in the topic under consideration.

- 3.3 There will be a presumption that when the Committee is considering any matter which relates to or affects part only of the District, local members will be requested to attend.

4. Calling and Attendance of Witnesses

- 4.1 Not less than seven days notice will be given to a witness, except in the case of an emergency when as much notice as possible in the circumstances will be given. However, where a witness is required to prepare a report, adequate time will always be given to allow for this to be done.
- 4.2 The notice will state the nature of the matter that the witness is required or requested to give evidence on and indicate any documents or papers he is required or requested to produce.
- 4.3 The witness will be entitled to examine the terms of reference of the matter under consideration before giving evidence.
- 4.4 The witness will also be entitled to examine the public papers which have been made available to the Overview Committee, wherever possible on the same time-scale as that applicable to a member of the Committee.
- 4.5 Any person who has been requested to attend but is unable to do so may nominate another person to attend who is able to speak on the matter under consideration. Alternatively they may provide a written statement.
- 4.6 Any person who has been required to attend but is unable to do so for reasons that have been notified to and accepted by the Chairman may nominate another person to attend who is able to speak on the matter under consideration. In exceptional circumstances, following consultation with the witness, an alternative date may be fixed for attendance within the next six weeks.
- 4.7 At the Chairman's discretion, a witness may be shown the notes of evidence of any other witness who has already given evidence on the matter. The Chairman shall also have a discretion to disclose other papers if he considers that this would assist the witness in giving evidence or assist the Committee in its deliberations. Subject to obtaining appropriate legal advice, such disclosure may include confidential or exempt material, provided that the witness gives an undertaking to respect the confidentiality of such material and not disclose it to any person without the prior authorisation in writing of the Council's Monitoring Officer.
- 4.8 A witness may submit documents and other papers in advance. Such documents and papers should be clear and succinct.
- 4.9 A witness shall be entitled to bring and refer to such notes and diaries as shall be of assistance to them in giving evidence but shall be expected to disclose the same to the Committee. The Committee will maintain the confidentiality of any confidential material thus disclosed.

- 4.10 Provided that a document submitted by a witness does not contain confidential or exempt information, it will become a public document and be added to the list of background papers.
- 4.11 A witness who is an officer or member of Policy Advisory Group shall not be required to give a personal opinion on any Cabinet decision which is different from the recommendation made by the officer or Policy Advisory Group (as the case may be).
- 4.12 A witness may be asked searching questions but will at all times be treated with courtesy and respect. In particular, a witness will:
- 1) be entitled to seek clarification from the questioner of any question posed;
 - 2) be given adequate time to answer a question;
 - 3) be entitled to answer questions in his own words and without interruption (except from the Chairman in order to pursue a line of questioning or if he considers that a witness is digressing);
 - 4) be permitted to provide a written reply if he is unable to answer a question due to a lack of knowledge or information;
 - 5) be entitled to respect for his personal or private life (except, in the case of a member or officer, where this impinges directly upon the performance of a duty owed to the Council).
- 4.13 Questions will be limited to the matters under consideration and the Chairman may rule out of order any question, which offends this principle or is repetitious. Subject to this, the Chairman will ensure that each members of the Committee who wishes to ask a question is afforded the opportunity to do so. The questioner will also be entitled to ask one supplemental question and with the consent of the Chairman, may be permitted to ask further questions in order to pursue a line of questioning likely to elicit evidence which will assist the Committee in its deliberations.
- 4.14 Where a witness objects to a question as being unreasonable, or an invasion of privacy the Chairman shall either:
- 1) rule that the question be pursued or be not pursued;
 - 2) at the request of the witness, adjourn the meeting so that he can hear private representations from the witness as to why the question should not be pursued, following which the Chairman shall, if necessary, seek appropriate legal advice. Thereon the meeting shall be re-convened and the Chairman shall rule that the question be pursued or be not pursued.
- 4.15 A witness shall be entitled to a copy of any draft minute or other record taken of his evidence. Should he feel that such a record is not accurate in any material respect he shall be permitted to make written representations asking for a correction to be submitted to the next meeting of the Scrutiny Committee for consideration.

- 4.16 Overview Committee meetings are open to the press and public except where confidential or exempt matters (as defined under the Local Government Act 1972) are under consideration.

5. Documentation

- 5.1 The Overview Committee may, within the limit of its budget commission research or advice internally or externally to assist in its deliberations.
- 5.2 Members of the Overview Committee shall have the rights of access to documents and information prescribed by the Access to Information Rules (Part 4 Section D of the Constitution)

6. Information for Witnesses

- 6.1 Any witness required or requested to attend a meeting of the Overview Committee shall be supplied with a copy of this Protocol.

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL HARMONISED PROTECTED DISCLOSURE POLICY (WHISTLEBLOWING)

1. INTRODUCTION

1.1 The Public Interest Disclosure Act 1998 (the Act) gives protection to individuals (or “whistle-blowers”) to ensure matters of serious public concern can be addressed.

1.2 The Councils are committed to the highest possible standards of openness, probity and accountability. This Protected Disclosure Policy aims to ensure that employees with serious concerns about any aspect of the organisation's performance, management, standards or conduct should be able to voice those concerns.

2. GENERAL PRINCIPLES

2.1. The Councils recognise that an employee is often the first to realise that there may be something seriously wrong within the organisation. This policy seeks to encourage employees to raise their concerns internally within the organisation rather than overlooking a problem. We are committed to enabling employees to raise their concerns in an environment where there is no fear of harassment, victimisation or reprisals. This could be through their 1-2-1, team meetings or through discussion with a line manager, for example.

2.2 If a concern relates to a grievance about an employee's personal position they should use the Councils' Harmonised Grievance and Resolution Procedure, which will normally be the most appropriate route in those circumstances.

2.3 The Councils realise that in certain circumstances some cases may have to proceed on a confidential basis.

2.4 This policy applies to all employees and Members of the Councils. However the Act also covers people working for the Council on Council premises, for example, voluntary helpers, agency staff, builders, etc. It also covers suppliers and those providing services under a contract with the Council in their own premises. For the purposes of this policy, the term 'employee' is used to include all the above.

2.5 This procedure is in addition to the Council's complaints procedure and other statutory reporting procedures.

2.6 Any individual who is unsure whether or not to use this policy or who needs independent advice at any stage can contact Public Concern at Work on 0207 404 6609 (www.pcaaw.co.uk). This independent charity can give free confidential advice at any stage about how to raise a concern about serious malpractice at work.

3. AIMS AND SCOPE

3.1 The aims of this policy are:

- to encourage employees to feel confident in raising serious concerns and for us to question and act upon those concerns;
- to provide a means for employees to raise concerns and receive feedback on any action taken;
- to ensure that employees know how to pursue concerns if they are not satisfied with the response;
- to reassure employees that the Councils will take action to ensure that they are protected against reprisals or victimisation;
- to help the Council to act within the law and in particular within the Public Interest Disclosure Act 1998.

3.2 This policy does not replace the Councils' Complaints Procedure (which is primarily so that people other than employees can raise concerns about their treatment by the Council) but should help where employees need to raise matters of concern.

3.3 The Councils have procedures in place to deal with grievances relating to employment and complaints of harassment. This Protected Disclosure Policy is intended to cover concerns that may fall outside the scope of other procedures. These concerns may fall within the following list but it must be noted that this list is not exhaustive:

- Unlawful activity
- Non-compliance with the Councils' standing orders, financial procedure rules or policies
- The unauthorised use of Council funds
- Unauthorised access to Council Records
- Unauthorised disclosure of data
- Possible fraud, corruption or financial irregularity
- Behaviour beneath established standards of practice
- Improper conduct
- Miscarriages of justice
- Health and safety risks to any individual
- Damage to the environment
- Sexual, emotional or physical abuse
- Other unethical conduct

4. SAFEGUARDS

4.1 The Councils recognise that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice.

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4.2 The Councils will not tolerate harassment or victimisation (including informal pressure) and will take appropriate action to protect employees when they raise a concern in good faith.

5. CONFIDENTIALITY

5.1 When an employee raises a concern but does not want their name to be disclosed, the Councils will do their best to protect their identity. However it is important that the employee is aware that a formal investigation process may require them to make a statement to form part of the evidence.

5.2 One of the aims of this policy is to encourage employees to put their name, with confidence, to any allegation whenever possible.

5.3 Concerns expressed anonymously will be considered but are much less powerful.

5.4 When considering anonymous allegations, a number of factors would be taken into account and may include:

- the seriousness of the issues raised;
- the credibility of the concern;
- the likelihood of confirming the allegation from attributable sources.

6. ALLEGATIONS

6.1 The Councils recognise that there may be circumstances where an allegation is raised in good faith, but which is not confirmed by an investigation.

6.2 The Councils will take disciplinary action against an employee when it is proven that the allegation is malicious or vexatious.

7. RAISING A CONCERN

7.1 The earlier that a concern is expressed the easier it is to take action.

7.2 As a first step, employees should normally raise the concern with their manager or Head of Service. However, this depends on the seriousness and sensitivity of the issues and who is thought to be involved in the malpractice. For example, if the employee believes that a Director or others in management are involved, they should approach one of the following.

- Monitoring Officer (Head of Legal and Democratic Services) at monitoringofficer@southbucks.gov.uk or monitoringofficer@chiltern.gov.uk
- Audit, Fraud and Error Reduction Manager at whistleblowing@southbucks.gov.uk or whistleblowing@chiltern.gov.uk

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7.3 When an employee raises a concern with their manager or other officer within the Council, they should be invited to set out the background and history of the concern in writing. Where possible this should include names, dates and places and the reason why they are particularly concerned about the situation. Where they feel unable to put the concern in writing, then a meeting should be arranged with an appropriate officer. They may invite their trade union representative or staff representative or workplace colleague.

7.4 When raising a concern, the employee will need to demonstrate to the person contacted that there are sufficient grounds for concern. They are not expected to prove beyond all reasonable doubt the truth of an allegation.

8. HOW THE COUNCIL WILL RESPOND

8.1 The action taken by the Council will depend on the nature of the concern. At the discretion of the Audit, Fraud and Error Reduction Manager the matters raised may be:

- investigated internally
- referred to the External Auditor
- form the subject of an independent enquiry

8.2 To protect individuals, we will make initial enquiries to enable us to decide whether an investigation is appropriate and, if so, what form it should take. If an allegation or concern falls within the scope of other specific procedures it will be referred for consideration under those procedures.

8.3 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required, this will be taken before any investigation is commenced e.g. health and safety issues.

8.4 Where the concern/allegation is raised internally, the Council will acknowledge receipt within ten working days giving the following information:

- an estimate of how long it will take to provide a final response
- whether initial enquiries have been made; and
- whether further investigations will take place and, if not, why not.

8.5 The amount of contact between the manager, considering the issues, and the employee will depend on the matters raised, potential difficulties involved and the clarity of information provided. If there is a need for the manager to seek further clarity, the employee will be approached for further information.

8.6 If the manager wishes to meet with the employee, they may be accompanied by a trade union representative or staff representative or workplace colleague.

8.7 If the need arises for an employee to give evidence in any proceedings, advice will be available to them from the Council.

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8.8 The Councils recognise the importance of assuring employees that the issue has been properly addressed and, subject to legal constraints, the individual who raises the concern will be provided with information about the outcomes of any investigations.

9. RESPONSIBLE OFFICER

9.1 The Audit Committee of each Council and the Audit, Fraud and Error Reduction Manager have overall responsibility for the maintenance and operation of this policy. The Manager maintains a record of concerns raised and the outcomes (but in a form that does not endanger confidentiality) and will report as necessary to the Councils.

10. HOW THE MATTER CAN BE TAKEN FURTHER

10.1 This policy is intended to provide employees with a mechanism to raise concerns within the Councils. In most cases it will not be necessary to alert anyone externally.

10.2 If an employee is not satisfied with the response, and feels it is right to take the matter outside the Councils, some alternative contact points are:

- the Council's external auditors
- a solicitor (if the employee is also seeking legal advice)
- the Police

10.3 If an employee decides to take the matter outside the Councils, they are strongly encouraged to seek advice from Public Concern at Work before doing so and to ensure that they do not unnecessarily disclose confidential or privileged information.

10.4 Matters raised outside the Council may still ultimately have to be addressed within its normal procedures.

11. REVIEW

11.1 This policy will be reviewed on a bi-annual basis by the committee of each Council with responsibility for audit matters.

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SECTION D**WHISTLE BLOWING POLICY FOR MEMBERS****1. Preamble**

Chiltern District Council ('the Council') aims to make information it holds freely available to the public in fulfilling its responsibility for openness, transparency and accountability. However, in doing so, it must also respect the data privacy and confidentiality rights of individuals, commercial entities and not for profit organisations to the extent permitted or required by the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. It is also in the public interest that the Council's commercial interests are protected and that these rights are not undermined by unwitting or deliberate disclosure, whether by officers or members.

Disclosure of confidential information can be a criminal offence and/or constitute a breach of the Member Code of Conduct.

2. Purpose of Policy

This policy sets out the arrangements agreed by the Council for the treatment by Members of Confidential Information in a manner which is also consistent with the requirements of the Members Code of Conduct. It also constitutes a statement of the Council's reasonable requirements in relation to the 'public interest' disclosure of confidential information, whether belonging to the Council or to a third party.

3. Confidential information

3.1 Confidential information is information

- given to the Council by a Government Department on terms which forbid its public disclosure
- which cannot be disclosed by the Order of an English Court
- obtained and/or given to the Council in confidence and to be duly respected as such under the provisions of the Data Protection Act 1998, the Freedom of Information Act 2000 and the Environmental Information Regulations 2004
- which is contained within exempt reports – Schedule 12A Part 1 Local Government Act 1972.

Receiving Confidential Information

3.2 Confidential information will be identified in one of the following ways:

- (i) Clearly marked as such by the use of terms such as 'confidential', 'in confidence', 'private', 'private and confidential', 'not for publication' or 'exempt'.

- (ii) Included in Part 2 of an agenda (confidential reports and appendices) for a formal meeting of the Council, or one of its Committees or Sub-Committees or the Cabinet or one of its Committees or a Council or Cabinet Joint Committee or a Sub-Committee of such Joint Committee; or
- (iii) Received with a covering letter or other communication which indicates that the document is confidential

Disclosing Confidential Information

3.3. If you receive confidential information you should assume that it is provided to you personally and you should not disclose it to anyone unless one of the following applies:-

- (i) Information at Paragraph 1(ii) above (confidential reports and appendices) will be supplied to all other members attending the meeting in question and may be shared and discussed with them. It should not however be shared with officers who are not involved in the meeting other than the Chief Executive, relevant Director or Head of Service, Head of Financial Services or the Monitoring Officer.
(Full Council reports and appendices - and Cabinet reports – are sent to all members. However all reports for all committees - including part 2 reports are available to all Members electronically on the Internet (part 1) and intranet (part 2) - however confidentiality should be respected).
- (ii) You have the written consent of the person who provided you with the information or the written consent of the Chief Executive, Director of Resources or the Monitoring Officer/Deputy Monitoring Officer to the specific disclosure you intend to make;
- (iii) You have received legal advice that you are under a legal obligation to disclose that information to a person who has requested it. The Monitoring Officer/Deputy Monitoring Officer will provide advice on this point if requested; or
- (iv) You may disclose the information if it is necessary for you to do so in order to obtain advice from a professional adviser, provided that adviser gives a binding obligation not to disclose the information themselves.

3.4 If none of the circumstances outlined in paragraph 2 apply, but you still wish to make a disclosure of confidential information, you can only do so lawfully and in compliance with the Members' Code of Conduct if there is a clear and overriding public interest to do so. In this regard, it is the requirement of Chiltern District Council that before disclosing confidential information on a 'public interest' basis you first seek the advice of the Chief Executive or Monitoring Officer/Deputy Monitoring Officer. Where an approach to any of these officers is inappropriate due to their

personal involvement in the subject matter considered for disclosure – advice should be sought from the Council’s Auditor.

Paragraph 3(4) of the Members Code of Conduct dealing with the obligation to respect confidentiality is set out below.

3(4) You must:-

respect the confidentiality of information which you receive as a member –

i. not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and

ii. not obstructing third parties’ legal rights of access to information

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL
ANTI- FRAUD, BRIBERY AND CORRUPTION POLICY

1. DEFINITIONS

1.1 Fraud is defined as the illicit gaining of cash or some other benefit by a deception.

The Fraud Act 2006 sets out particular offences:

- Fraud by false representation
- Fraud by failure to disclose information
- Fraud by abuse of position

1.2 The fraud act goes on further to establish the principle that there is a liability on company officers and the corporate body itself if an offence is committed with the consent or connivance of officers of the corporate body.

1.3 Also that there need only be an intention to make a gain for themselves or another or cause loss to another or expose them to risk. It does not have to be successful or directly result in a gain for the person committing the offence.

1.4 Bribery is defined as the offering or receiving of a financial or other advantage in connection with the improper performance of a position of trust or function expected to be performed impartially or in good faith.

1.5 The Bribery Act 2010 outlines specific offences for individuals.

- An offence of offering, promising or giving a bribe.
- An offence of requesting, agreeing to receive or accepting a bribe.
- Bribery of a foreign public official.
- A corporate offence of “failing to prevent” bribery.

1.6 The corporate offence of failing to prevent bribery would not normally apply to a local authority carrying out its statutory duties. However it would apply to any commercial activity undertaken by the Councils or its agents.

1.7 Corruption is defined as the dishonest influencing of actions or decisions.

2. CULTURE OF THE COUNCILS

2.1 Chiltern District Council and South Bucks District Council seek to maintain an environment that makes any form of corruption or fraud difficult to perpetrate.

All reasonable, practicable steps will be taken to minimise the risk and the affect of fraud and corruption by its Members, staff, customers or clients. The need for appropriate controls is acknowledged and the Councils will seek to sustain such controls in the administrative, financial operational and IT systems employed in the delivery of external and internal services and management.

This policy is to support the Councils adoption of the three main aims as recommended by CIPFA'S strategy document Fighting Fraud Locally – The Local Government Fraud Strategy:

- Acknowledge Fraud Risks
- Prevent – Controls and developing anti-fraud culture
- Pursue – Punish offenders and recover losses

2.2 Section 17 of the Crime and Disorder Act 1998 places a general duty on Councils to responsibly conduct their duties in a way that does all that is reasonable to prevent crime and disorder in the area. This means that all policies, strategies, plans and budgets should be considered from the standpoint of their potential contribution to the prevention of crime and disorder. In support of this the Councils will enter into agreements with police and law enforcement agencies, including Bucks County Council safeguarding teams to share data for both prevention and detection of crime and disorder in particular to address the threat from serious or organised crime.

2.3 Responsibility for the prevention of fraud and corruption rests as much with every member of staff as it does with senior management and members. It is the responsibility of all managers to ensure that there are appropriate and adequate controls in place within the systems for which they are responsible. Controls will be designed to deter, prevent and detect all forms of fraud and corruption, and also identify a clear pathway for investigation.

2.4 The Councils expect all of their suppliers, contractors, agents and partner organisations and individuals, to act with honesty and integrity and client officers will be responsible for monitoring their actions and for ensuring that their terms of reference, agreements and/or contracts include a clause to that effect. Each Council will expect that all of its dealings will be conducted on the same basis, and expects its Members and staff to lead by example.

2.5 A comprehensive framework will be maintained of guidance, codes of practice, codes of conduct and regulations with which their members and staff are expected to comply. These documents will be available on the intranet. This will help to ensure that policies and objectives are achieved in a proper and fair manner.

3. REPORTING OF FRAUD BRIBERY OR CORRUPTION

3.1 Any Officer, members and external partners who have reason to think an irregularity is taking place are encouraged to raise concerns either through normal line managers or directors and in every case to the Audit Fraud and Error Reduction Manager.

3.2 Line Managers and Directors must report any matters referred to them to a Director and Chief Executive and in every case to the Audit Fraud and Error Reduction Manager. On the same basis any irregularity identified as part of an audit, complaint or ombudsman report should be reported in the same manner as soon as it is identified.

3.3 The Councils have a protected disclosure “whistle blowing” policy detailing how to raise concerns and how the Councils will deal with the concerns and what to do if you are still dissatisfied.

3.4 The protected disclosure policy confirms that there will be no victimisation of any “whistle blowers” or suppression of information in any instance. Every effort will be made to ensure anonymity and confidentiality is maintained. Any information received anonymously is dealt with in accordance with the Councils Internal Investigation procedures.

3.5 There is of course a need to ensure that procedures for reporting and investigating suspected fraud and corruption are not misused. Staff should be aware that maliciously raising false concerns is a disciplinary offence. Similarly for external individuals or organisations having dealings with the council who maliciously raise false concerns, appropriate action will be taken.

3.6 The Audit Fraud and Error Reduction Manager will report all instances of suspected or actual fraud and corruption to the Management Team and report proven frauds to the external auditors. The Management Team will report all such matters to the appropriate Cabinet and relevant Portfolio Holder.

4. MEMBERS

4.1 As elected representatives of the public, Council Members have a duty to be fair, honest and open in their roles. They are bound by:

- Government Legislation
- Bribery Act
- Data Protection Act
- The Councils constitution
- The Councils standing orders
- Financial and Contracts procedure rules
- Code of practice – members/officers relations
- Locally Adopted codes of conduct, policies and procedures

4.2 Members are expected to adhere to the Seven Principles of Public Life:

- Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

- Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance of their official duties.

- Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

- Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

- Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- Leadership

Holders of public office should promote and support these principles by leadership and example.

4.3 In particular members are required to declare and register any direct or indirect pecuniary interest by them or their partner in any companies, charitable organisation, voluntary groups or other societies or associations. They are required to abstain from any debate or vote which pertains to matters involving any such organisation in which they have an interest and are required to leave the room during such debates.

5. Staff

5.1 All council staff including permanent or temporary agency staff will be bound by the Councils Code of Conduct. Officers who are members of professional bodies shall abide by any code of conduct and /or professional ethics issued by those bodies. All staff will be bound by their terms and conditions of employment. Procedure notes, job descriptions and managerial instructions define the role of staff on a day to day basis. All staff are also bound by the Councils constitutions, financial procedure rules and contract procedure rules.

6. Systems

6.1 The Chief Financial Officer (Section 151 Officer) for each council has a statutory duty to ensure that proper arrangements are in place to administer the Councils' finances and financial systems. The Councils acknowledge this role and support the post holder in his/her duties and considers their advice on changes to the system controls, financial administration and associated rules and regulations.

6.2 The Councils have an ICT Security Policy in place that applies to all staff and members. Access to computer systems and networks owned or operated by the Councils impose certain responsibilities and obligations and are granted subject to council policies. Users must not attempt to circumvent or subvert security measures, and should not extract and/or save council data or documents deemed as “restricted” outside the council’s networks. The council’s networks will incorporate security measures to prevent cyber attacks, and it is incumbent on all users to ensure they safeguard access to data to prevent unauthorised access.

6.3 Staff are required to make themselves aware of their responsibilities in relation to the Proceeds of Crime Act Money and Anti- Money Laundering procedures and in particular the requirement to complete standard forms for any suspicions of money laundering activity to be passed to the Director of Resources. An anti-money laundering form to be completed for any cash transaction in excess of £2,000.

6.4 Senior Managers shall ensure that the Councils financial procedures comply with the six principals contained within the Bribery Act 2010 namely:

- Proportionate procedures
- Top Level commitment
- Risk Assessments
- Due Diligence
- Communication (Training)
- Monitoring- Review

6.5 Staff and Members should make themselves aware of the elements of the Bribery Act and register any gifts or hospitalities in the appropriate register. Any attempts to bribe an officer or member shall be reported in accordance with section 3.1 to 3.3 of this policy.

6.6 All instances of Fraud and Corruption shall be reported and decisions taken by the individual Councils. Both Councils will share information on potential and proven fraud or corruption to assist with the prevention and or detection of fraud or corruption.

7. DETECTION INVESTIGATION AND RECOVERY OF LOSS.

7.1 The Councils maintain a proactive attitude to the prevention and detection of all forms of fraud and corruption through the use of:

- Management controls
- Internal audits
- External Audit
- Scrutiny by Members (Audit Committee)
- Fraud risk assessments
- Expertise of the Fraud and Error Team
- Other specialist resources, such as forensic Investigation
- Relevant External Agencies such as DWP- Police
- Training of Staff and Members in Anti-Fraud and corruption measures

7.2 All allegations of fraud or irregularity will be investigated by Audit, Fraud and Error Reduction Manager reporting to the relevant Head of Service, Director, Chief Executive or leader as appropriate.

7.3 The Councils will make every effort to identify and quantify losses that have occurred as a result of any Fraud or Corruption Recovery of all financial gains obtained as a result of a fraud will be pursued regardless to any other action the Councils may take. Recovery action will include but not limited to:

- Agreed repayment terms
- Civil Recovery using both County and High Courts
- The use of the Proceeds of Crime Act 2006

7.4 In addition to recovering any financial loss the Councils will apply sanctions in accordance with national legislation and their corporate enforcement policy and individual departments sanction strategies. These will include:

- Warning Letters
- Formal Cautions
- Administration Penalty (Fine)
- Prosecution

Classification: OFFICIAL-SENSITIVE

7.5 The Councils will take part in the National Fraud Initiative Data Matching exercise to identify potential Frauds. The Councils will take every opportunity to data match with outside agencies such as Department of Work and Pensions, NHS Anti-Fraud Teams, housing providers such as Paradigm Housing Association and other agencies wherever the law allows.

7.6 This policy will be reviewed on a bi-annual basis by the committee of each council with responsibility for audit matters.

June 2016



Complaint procedure and form concerning Member conduct

Use this form if you have a complaint about:

- **A member(s) that has, or may have, breached the Code of Conduct of the District or one of the Towns/Parishes in the Chiltern District.** A copy of Chiltern District Council's Code of Conduct can be accessed from the A – Z section at: www.chiltern.gov.uk. The Codes of Conduct for Town/Parish Councils can be obtained by contacting the Clerk to the relevant council.
- **Conduct that occurred while the member(s) in question was in office.** (Conduct of an individual before they were elected, co-opted or appointed, or after they have resigned or otherwise ceased to be a member, cannot be considered).
- **One or more named members of the following authorities:**

- | | |
|--|---|
| <input checked="" type="checkbox"/> Chiltern District Council | <input checked="" type="checkbox"/> Cholesbury-Cum St Leonards Parish Council |
| <input checked="" type="checkbox"/> Amersham Town Council | <input checked="" type="checkbox"/> Coleshill Parish Council |
| <input checked="" type="checkbox"/> Ashley Green Parish Council | <input checked="" type="checkbox"/> Great Missenden Parish Council |
| <input checked="" type="checkbox"/> Chalfont St Giles Parish Council | <input checked="" type="checkbox"/> Latimer and Leyhill Parish Council |
| <input checked="" type="checkbox"/> Chalfont St Peter Parish Council | <input checked="" type="checkbox"/> Little Chalfont Parish Council |
| <input checked="" type="checkbox"/> Chartridge Parish Council | <input checked="" type="checkbox"/> Little Missenden Parish Council |
| <input checked="" type="checkbox"/> Chenies Parish Council | <input checked="" type="checkbox"/> Penn Parish Council |
| <input checked="" type="checkbox"/> Chesham Bois Parish Council | <input checked="" type="checkbox"/> Seer Green Parish Council |
| <input checked="" type="checkbox"/> Chesham Town Council | <input checked="" type="checkbox"/> The Lee Parish Council |

DO NOT use this form if you wish to complain about:

- Dissatisfaction with a decision or action of the authority or one of its committees,
- A service provided by the authority
- The authority's procedures
- The actions of people employed by the authority

These do not fall within the jurisdiction of the Code of Conduct.

Additional help and information:

- Your complaint must be in writing – **(signed and dated please)**. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2000, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. Contact the Council's Monitoring Officer or Deputy Monitoring Officer for assistance.
- If English is not your first language we can also help.
- If your complaint is clearly **not** about member conduct then the Monitoring Officer will not consider your complaint – but where possible will refer you to the relevant procedure available.
- If you need any support in completing this form, please let us know as soon as possible.
- Your complaint will be considered in 3 stages as set out below. At each stage we will keep you informed. Not every complaint that falls under the Code will be referred for investigation. A decision will be made using the referral criteria below.

What happens next?

When you submit your complaint we will write to you to let you know we have received it. Your complaint will then be considered in 3 stages – the aim being to reach a satisfactory resolution.

Under Stages One and Two only the details contained on your complaint form will be considered therefore it is very important that you set your complaint out clearly and provide at the outset all the information you wish to be considered.

Stage One

We will tell the Member that you are complaining about that we have received a complaint and provide them with a copy – unless you have completed section 5 requesting confidentiality (in which case your details will not be disclosed unless and until your request for confidentiality has been considered – see further below).

The Member will be invited to respond within 20 working days – including in their response any suggestion to resolve the complaint.

This response will be made available to you and you will be asked if you are satisfied – if yes, no further action will be taken or the action proposed by the Member will proceed - or you will be asked if you wish your complaint to be considered further under Stage Two.

Stage Two

Your complaint will then be considered by the Councils Monitoring Officer and the Chairman/Vice-Chairman of the Councils Audit and Standards Committee – in consultation with a duly appointed 'Independent Person'* whose views will be taken into account - who will decide whether your complaint should be referred for investigation. This will happen within an average of 20 working days of the date of the commencement of Stage Two.

Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used to decide whether to accept a complaint for investigation or take no further action.

Referral Criteria

- the public benefit in investigating the alleged complaint
- the availability and cost of resources with regard to the seriousness of the alleged matter
- is the information submitted, sufficient to make a decision as to whether to refer for investigation
- is the subject member still a serving member
- is the complaint the same as or similar to a previous complaint
- the time passed since the alleged conduct occurred
- the complaint involves conduct too trivial to warrant further action
- does the complaint appear to be malicious, politically motivated or tit for tat
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- steps taken or proposed to remedy the action complained of
- the complainants view of the action taken or proposed.

When a decision has been made, you will be notified in writing whether your complaint has been referred for investigation or not. At the same time we write to you, we will also write to the member(s) you have complained about and the parish or town clerk (if applicable). We will send these letters within five working days of the decision being reached. The decision is made available for public inspection once the member the complaint is about has been given a copy of the decision.

There is no right of appeal under this complaints procedure if the decision at Stage Two is not to investigate.

Stage Three

If the decision at Stage Two is to investigate the complaint, the monitoring officer will appoint an investigator whose report will be considered by the Hearings Sub-Committee of the Councils Audit and Standards Committee– or in some cases to the full Committee - in most cases you will be invited to attend.

The remedies available if a breach is found to have occurred are limited to the following –

- Report to Council
- Formal letter to subject Councillor
- Formal censure by motion
- Recommendation to Leader/Group Leader or Town/Parish Council as applicable, that the member is removed from Special Responsibilities – i.e. Cabinet/Committees/Outside Bodies.
- Press release or other publicity.

Please note the Council has no authority to withhold allowances or to suspend members.

Your completed form should be submitted to:

Item 9f



The Monitoring Officer
Chiltern District Council
King George V House
King George V Road
Amersham
Buckinghamshire HP6 5AW



Monitoring Officer – Joanna Swift

Tel: 01494 732761



Deputy Monitoring Officer – Sue Markham

Tel: 01494 732203



01494 – 729000



monitoringofficer@chiltern.gov.uk

* **An Independent Person** is someone who has been appointed by the Council under Section 28 of the Localism Act 2011. Independent Persons must be appointed through a process of public advertisement, application and appointment by a positive vote of a majority of all members of the District Council – i.e. by full Council.

A Person is considered not to be 'independent' if :-

- they are or have been in the previous 5 years an elected or co-opted member or officer of the District Council or any Parish in the area an elected or co-opted member of any committee or sub-committee of the District Council or any Parish in the area or
- they are a relative or close friend of a current elected or co-opted member or officer of the District Council or any Parish in the area – or any elected or co-opted members of any committee or sub-committee of such a Council.

Except that previous co-opted independent members of Standards Committees can be independent persons if they are appointed on or before 24July 2012

COMPLAINT FORM**1. Please provide us with your name and contact details:**

Title:	
First name:	
Last name:	
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	
Signed:	
Dated:	

2. Please tick the box which best describes you:

<input type="checkbox"/>	A member of the public
<input type="checkbox"/>	An elected or co-opted member of an authority
<input type="checkbox"/>	Member of Parliament
<input type="checkbox"/>	Local authority Monitoring Officer
<input type="checkbox"/>	Other council officer or authority employee
<input type="checkbox"/>	None of the above - please give details below:

3. Please provide the name(s) of the Member(s) that you believe have breached the Code of Conduct and the name of their authority.

Title	First name	Last name	Council or authority name

IMPORTANT INFORMATION

When completing your complaint form:

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

We will tell the following people that you have made this complaint:

- the member(s) you are complaining about
- the monitoring officer of the authority
- the Independent Person/s
- the Chairman/ Vice-Chairman of the Councils Audit and Standards Committee who consider your complaint
- the parish or town clerk (if applicable)

We will give them:

- Your name
- A copy of your complaint

If you have serious concerns about your name or details of your complaint being released, please complete section 5 of this form.

Nature of your complaint

It is very important that you set your complaint out fully and clearly, and provide all the information at the outset. You should also provide any documents or other material that you wish to be considered. Although you are not required to prove your complaint at this stage of the proceedings, you do have to demonstrate that you have reasonable grounds for believing that the member(s) complained about has breached the Code of Conduct.

Please therefore explain in this section (or on separate sheets) what the member has done that you believe breaches the Code of Conduct. If you are complaining about more than one member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

For example:

Item 9f

- You should be specific, wherever possible, about exactly what you are alleging the member said or did. For instance, instead of writing that the member insulted you, you should state what it was they actually said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

4. Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form

5. Only complete this next section if you are requesting that your identity/full details of your complaint are kept confidential

In the interests of fairness and natural justice, we believe members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with full details of that complaint.

We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that to do so would be contrary to the public interest, would prejudice any subsequent investigation or you have reasonable grounds for believing you or any witness in the matter would be at risk.

The Member will still be informed that a complaint has been made - and unless to do would lead to the disclosure of your identity, will be informed the paragraphs of the Code alleged to have been breached - however your details and a full copy of the complaint will be withheld until your request has been considered.

The assessment of a request for confidentiality will be considered against the following criteria – but with the balance always being in favour of disclosure unless exceptional circumstances exist to determine otherwise:

1. The complainant has reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed.
2. The complainant is an officer who works closely with the subject member and they are afraid of the consequences to their employment or of losing their job if their identity is disclosed.
3. The complainant suffers from a serious health condition and there are medical risks associated with their identity being disclosed (medical evidence may be required to be submitted).
4. Any other very special circumstances put forward by the complainant which identify reasonable grounds for believing that disclosure of details would result in the complainant or witnesses being intimidated or lead to evidence being compromised or destroyed.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consult with the Independent Person to consider your request alongside the substance of your complaint. If your request for confidentiality is not granted, please indicate if you wish the Council to continue to consider your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

NOTE – If you request confidentiality – you must answer the following question by deleting YES or NO.

Do you still wish to have your complaint

considered if your request for confidentiality

YES

NO

is denied in full or part?

THIS PAGE TO BE REMOVED - FOR STATISTICAL PURPOSES ONLY

Please could you provide some monitoring data? This data will not be disclosed to a third party. We will only use personal information internally for the purposes for which it has been provided.

<i>Please tick one box.</i>	Male	Female
Are you male or female?	<input type="checkbox"/>	<input type="checkbox"/>

Which of these age groups apply to you? Please tick one box.			
Up to 16	<input type="checkbox"/>	45 – 54	<input type="checkbox"/>
16 – 18	<input type="checkbox"/>	55 – 64	<input type="checkbox"/>
19 – 24	<input type="checkbox"/>	65 – 79	<input type="checkbox"/>
25 – 44	<input type="checkbox"/>	80 plus	<input type="checkbox"/>

<i>Please tick one box</i>	Yes	No
Do you have any long-standing illness, disability or infirmity? (Long standing means anything that has troubled you over a period of time or that is likely to affect you over a period of time).	<input type="checkbox"/>	<input type="checkbox"/>
Are you without a permanent home?	<input type="checkbox"/>	<input type="checkbox"/>
Do you have access to your own method of transport?	<input type="checkbox"/>	<input type="checkbox"/>
Are you registered as unemployed?	<input type="checkbox"/>	<input type="checkbox"/>
Do you provide unpaid care for another person?	<input type="checkbox"/>	<input type="checkbox"/>

To which of these groups do you consider you belong? Please tick one box.			
WHITE		BLACK OR BLACK BRITISH	
British	<input type="checkbox"/>	Caribbean	<input type="checkbox"/>
Irish	<input type="checkbox"/>	African	<input type="checkbox"/>
Other White background	<input type="checkbox"/>	Other Black background	<input type="checkbox"/>
Roma Gypsy or Traveller	<input type="checkbox"/>		
MIXED		ASIAN OR ASIAN BRITISH	
White and Black Caribbean	<input type="checkbox"/>	Indian	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>	Pakistani	<input type="checkbox"/>
White and Asian	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>
Other mixed background	<input type="checkbox"/>	Other Asian background	<input type="checkbox"/>
CHINESE	<input type="checkbox"/>	OTHER ETHNIC GROUP	<input type="checkbox"/>

SECTION G**PETITIONS SCHEME – ADOPTED 16 MAY 2017**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the council will receive an acknowledgement from 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 is identified as being a petition, or if it seems to us that it is intended to be a petition – and has a minimum of 50 signatures of people who live, work or study in the Chiltern area.

Paper petitions can be sent to:

Chief Executive
Chiltern District Council
Council Offices
King George V Road
Amersham
Bucks
HP6 5AW

Petitions can also be presented to a meeting of the Council. These meetings take place on an approximate 6 weekly basis, dates and times can be found on the Council's website: www.chiltern.gov.uk If you would like to present your petition to the Council, or would like your councillor or someone else to present it on your behalf, please contact the Council's Democratic Services Team at democraticservices@chiltern.gov.uk at least 10 working days before the meeting and they will talk you through the process. If your petition has received 900 signatures or more it will also be scheduled for a Council debate and if this is the case we will let you know whether this will happen at the same meeting or a later meeting of the Council.

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. It should state 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 an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser. 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 a petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In that 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 them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website. If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate, or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition:-

- applies to a planning or licensing decision;
- is a statutory petition (for example requesting a referendum on having an elected mayor);
- is on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, or
- is on a matter where there is already an existing statutory procedure for making representations such as a public consultation exercise on a plan or policy

other procedures apply.

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 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). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council respond to petitions?

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

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter

- holding a public meeting
 - holding a consultation
 - holding a meeting with petitioners
 - referring the petition for consideration by one of the council's overview and scrutiny committees *
 - calling a referendum
 - writing to the petition organiser setting out our views about the request in the petition
- *Overview and scrutiny committees are committees of councillors who are responsible for scrutinising the work of the Council – in other words, the overview and scrutiny committee has the power to hold the council's decision makers to account. In addition to these steps, the Council will consider all the specific actions it can potentially take on the issues highlighted in a petition. Set out below are some examples.

Alcohol related crime and disorder

If your petition is about crime or disorder linked to alcohol consumption, the Council will, among other measures, consider the case for placing restrictions on public drinking in the area by establishing a designated public place order or, as a last resort, imposing an alcohol disorder zone. When an alcohol disorder zone is established the licensed premises in the area where alcohol related trouble is being caused are required to contribute to the costs of extra policing in that area. The Council's response to your petition will set out the steps we intend to take and the reasons for taking this approach.

Anti-social behaviour (ASB)

As the elected representatives of your local area and local licensing authority, the council plays a significant role to play in tackling anti-social behaviour. The Council, in conjunction with our partners in the local community safety partnership have set out minimum service standards for responding to issues of anti-social behaviour, you can find more details about these standards here <http://www.chiltern.gov.uk/Antisocial-Behaviour-Nuisance>

When responding to petitions on ASB, we will consider in consultation with our local partners, all the options available to us including the wide range of powers and mechanisms we have to intervene as part of our role as social landlord and licensing authority. For example, we will work with the neighbourhood policing team in the affected area to identify what action might be taken including what role CCTV might play, consider identifying a dedicated contact within the council to liaise with the community and neighbourhood partners on issues of ASB in the area in question and, where appropriate, we will alert the crime and disorder reduction partnership and relevant overview and scrutiny committee to the issues highlighted in the 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 and where possible 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 on the Council's website: www.chiltern.gov.uk

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full council debates

If a petition contains more than 900 signatures it will be debated by the full Council unless it is a petition asking for a senior council officer to give evidence at a public meeting.

This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser will be given the opportunity to present the petition at the meeting and the petition will then be discussed by Councillors. 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 council executive are required to make the final decision, the council will decide whether to make recommendations to inform that decision. The petition organiser will receive written confirmation of this decision. 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 450 signatures, the relevant senior officer will give evidence at a public meeting of the council's relevant overview and scrutiny committee. The relevant senior officers for this purpose are the Chief Executive, the Director of Resources and the Director of Services. You should be aware that the overview and scrutiny committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call the relevant councillor to attend the meeting. Committee members will ask the questions at this meeting, but you will be able to suggest questions to the chair of the committee by contacting Democratic Services at democraticservices@chiltern.gov.uk up to three working days before the meeting.

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, the petition organiser has the right to request that the Council's relevant overview and scrutiny committee review the steps that the Council has taken in response to your petition. It is helpful to everyone, and can

Classification: OFFICIAL

improve the prospects for a review if the petition organiser gives a short explanation of the reasons why the council's response is not considered to be adequate.

The Committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the Committee 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 council executive and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

PART 10
Glossary of terms used in the Constitution

In the Constitution the words and phrases in the left hand column have the meaning given in the right hand column:-

Administration	The Political Group with an overall majority of Councillors
Audit and Standards Committee	The Audit and Standards Committee considers the Council's governance arrangements, ensures that the financial affairs of the Council are properly conducted and is responsible for promoting and maintaining high standards of behaviour by members of the Council.
Agenda Papers	These set out the business to be considered at formal meetings of the Council, Cabinet and Committees. They are public documents and are available for inspection before each meeting at the Council's main offices and on the Council's website (www.chiltern.gov.uk)
Annual Meeting	The annual meeting of the Council which appoints the Chairman, Vice Chairman, Leader of the Council (at the first Annual Meeting after the District Elections only), Committee chairmen and members of committees. The meeting takes place within 21 days of the retirement of outgoing Councillors in an election year and in March, April or May in other years
Appointor	A committee, sub-committee or Officer carrying out the function of appointing an Officer under the Employment Procedure Rules
Background Papers	Documents relating to the subject matter of a report which in the opinion of the Proper Officer:(a) disclose any facts or matters on which the report or any 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 <i>Exempt or Confidential Information</i> and in respect of <i>Cabinet</i> reports, the advice of a political advisor.
Budget Meeting	The Ordinary Meeting of the Council normally taking place in February which considers the Budget

<p>Budget and Policy Framework</p>	<p>The following plans and strategies comprise the budget and policy framework:-</p> <ul style="list-style-type: none"> • Chiltern and South Bucks Joint Business Plan • Chiltern and South Bucks Joint Sustainable Community Strategy • Plans and Strategies which together comprise the Development Plan, the Local Development Framework and Local Development Scheme • Joint Waste Strategy for Buckinghamshire • Chiltern Community and Well Being Plan • Housing strategies and policies comprising the Housing Framework including the Private Sector Housing Strategy and policy documents), Homelessness Strategy and Temporary Accommodation Strategy). • Medium Term Financial Strategy • Treasury Management Strategy • Information Strategy • Statement of Principles under the Gambling Act 2005 • Licensing Policy – under the Licensing Act 2003 • Contaminated Land Strategy • Asset Management Plan • Corporate Enforcement Policy • Chiltern and South Bucks Economic Development Strategy • Any other plan or strategy which the Council from time to time determines shall be adopted or approved by the Council. <p>Budget includes the allocation of financial resources to different functions, services and projects; proposed contingency funds; setting the Council Tax; decisions relating to the control of the Council's investment policies, borrowing requirement and capital expenditure.</p> <p>Full Council will decide the Council's overall revenue and budget an overall capital budget.</p>
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Cabinet	<p>The Cabinet is a group of Councillors including the Leader who work with Council staff to run the Council and take most decisions except those about major policy issues or setting the annual budget (which only the Council Meeting can do) or decisions on regulatory matters such as whether to give planning permissions or licenses which only Committees established for those purposes can take.</p> <p>The Leader of the Council appoints the Cabinet and chairs its meetings. The Cabinet must consist of a minimum of three Councillors including the Leader and up to a maximum of 10 Councillors including the Leader. The Councillors in the Cabinet each have responsibility for areas of the Council's work called a portfolio, allocated to them by the Leader.</p> <p>The Councillors in the Cabinet can only make decisions within the scope of the overall Budget and Policy Framework set by the Council.</p>
Cabinet Functions	Those functions of the Council which are reserved to the Cabinet. These may be delegated to individual Cabinet members or Officers
Cabinet Member Portfolios	These are areas of responsibility allocated by the Leader to Cabinet Members. Each area of responsibility is known as a Cabinet Member portfolio and each portfolio is given a title.
Call In	"Call In" is a statutory right for Members of the Council to call in a decision of Cabinet or an individual Cabinet Member or Cabinet Members after it has been made and before it has been implemented.
Champions	These are individual Councillors or other individuals who are appointed by the Council to champion a particular issue within the Council, with its partners, in communities, across the Council, regionally or nationally.
Chief Executive	The Chief Executive is the Head of the Council's paid

	service (see the glossary for the definition of the Head of Paid Service). The Chief Executive and the Directors comprise the senior management team that runs the day to day work of the Council working with the Leader of the Council and Cabinet and supported by the Council's staff.
Chief Finance Officer (Section 151 Officer)	This is a statutory appointment required under section 151 of the Local Government Act 1972. Every Council must designate an officer as responsible for the proper administration of the Council's financial affairs. The Director of Resources has been designated as the section 151 officer.
Chairman of the Council	The Chairman of the Council is elected annually at the Council meeting. Their responsibilities include:- <ul style="list-style-type: none"> • upholding and promoting the purpose of the Constitution; • deciding what the Constitution means if there is a dispute, on advice from the Monitoring Officer; • chairing Council meetings so that decisions can be taken efficiently and with regard to the rights of Councillors and the interests of the community; • making sure that Council Meetings are a place for debating matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account; • promoting public involvement in the Council's activities and in the democratic process; • being the conscience of the Council; and • attending those civic and ceremonial functions which he/she or the Council consider appropriate.
Codes	In making decisions and conducting its business, the Council and the bodies and persons exercising functions on its behalf will have regard to the Codes set out in Part 5 of the Constitution.
Councillor Code of Conduct	A code based on a national model that must be followed by all Councillors, governing their behaviour and responsibilities.
Common Seal	The Common Seal is the Council's mark of authentication and is attached to documents which are decisions of the Council or to documents which in the opinion of the Monitoring Officer should be sealed or as required by the Contract Procedure Rules.

Confidential Information	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 (see also exempt information).
Constitution	Every principal Council must produce a document known as the Constitution which sets out how the Council will conduct its business.
Contract Procedure Rules	These provide a corporate framework for the procurement of all goods, services and works for the Council
Council Functions	The local authority functions which by law cannot be carried out by the Cabinet.
Council Meeting	When all Councillors meet formally to conduct business
Council Procedure Rules	These set out how meetings of the Council, the Cabinet, most Committees and other bodies will be conducted. These are contained in Part 4 of the Constitution.
Councillor	Sometimes known as a 'Member' a councillor represents his or her ward on the council and acts as an advocate and decision-maker for local issues. To find out who your Councillor is please go to the website or ring the Council offices.
Disciplinary Action	In relation to a member of staff of the Council, any action occasioned by alleged misconduct which, if proved, would according to the usual practice of the Council, be recorded on the member of staff's personal file, and includes any proposal for dismissal of a member of staff for any reason other than redundancy, permanent ill health or infirmity of mind or body, but does not include failure to renew a contract of employment for a fixed term unless the Council has undertaken to renew such a contract
Dismissor	A committee, sub-committee or Officer carrying out the function of dismissing an Officer under the Employment Procedure Rules
Employee	Person appointed to or holding a paid office of the authority or employed by the authority.
Executive Functions	These may be carried out by the Cabinet, a Committee, of the Cabinet, an officer, another authority, or by joint arrangements

Exempt Information	Information that the Council may not be required to publish because it falls within specific categories defined in Schedule 12A of the Local Government Act 1972.
Extraordinary Meeting	A Council Meeting called by resolution of the Council, the Chairman of the Council, the Chief Executive or by requisition of any five Councillors which takes place in addition to an Ordinary Meeting or the Annual Meeting
Financial Procedure Rules	The Financial Procedure Rules control the way the Council manages its finances and safeguards its assets. The rules apply to the Council's Members and officers and anyone acting on its behalf
Five Clear Days	A period of five days, excluding the day of the meeting, the day on which the meeting is called, weekends and bank holidays during which copies of the agenda and reports of a meeting must normally be available for inspection under the Access to Information Procedure Rules
Group Leaders	Political groups will appoint a person to lead their group who are known as group leaders.
Independent Person	Person appointed by the Council pursuant to section 28 of the Localism Act 2011 whose views must be sought and taken into account before deciding on any action it may take following investigation into an allegation that a Councillor has breached the Code of Conduct
Head of Paid Service	This is a statutory appointment under Section 4 of the Local Government and Housing Act 1989. Every council has to have a Head of Paid Service, who is ultimately responsible for the councils' delivery of good services and is responsible for reporting to the Council on how staff are organised and deployed. The Chief Executive has been designated as the Head of Paid Service.

Key Decision	<p>(1) Any decision in relation to an executive function which results in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function concerned. A threshold of £50,000 is regarded as significant except contracts for repairs, maintenance and improvement works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or any an Officer acting under delegated powers except where Contract Procedure Rules require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.</p> <p>(2) Any other decision which in the opinion of the Proper Officer is likely to be significant in terms of its effect on two or more wards</p>
Leader of the Council	The Leader of the Council is the political Head of the Council, elected by the Council.
Local Choice Functions	By law, these are responsibilities which the Council can choose to make the function of the Council or Cabinet.
Local Strategic Partnership (LSP)	The LSP is a single body that brings together at a local level the different parts of the public sector as well as the private, business, community and voluntary sectors so that different initiatives and services support each other and work together. It is responsible for developing and driving the implementation of the Sustainable Community Strategies.
Monitoring Officer	This is a statutory appointment under Section 5 of the Local Government and Housing Act 1989. The Monitoring Officer is responsible for reporting the actual or potential breach of a legal requirement to the Council Meeting or Cabinet and for dealing with complaints of breaches of the code of conduct by Councillors, reporting as necessary to the Audit and Standards Committee. The Head of Legal and Democratic Services has been designated as the Monitoring Officer.
Officer	An employee of the Council
Ordinary Meeting	Council Meetings held in accordance with a programme of meetings decided by the Council.

Overview and Scrutiny	The action of overseeing and scrutinising decisions made by the Cabinet undertaken by an Overview and Scrutiny Committee
Petition	A communication signed or sent to the Council on behalf of at least 50 signatories of people who live, work or study in the District and including a clear and concise statement indicating what action the petitioners wish the Council to take and the name, identifiable address and signature of any person supporting the petition. Petitions will be received by the Council in accordance with the Petitions Scheme in Part 5
Planning Committee	The Planning Committee is comprised of Councillors and is responsible for the Council's statutory town and country planning and development control functions.
Political Assistant	An officer appointed specifically to assist a Political Group on the Council. There are no such Assistants appointed by Chiltern District Council.
Political Group	Two or more Councillors who belong to the same political party or have some other common interest may form a Political Group. Such Groups are recognised by law and in the Council's Constitution.
Procurement	Procurement is the identification and acquisition from third parties and in house providers, of goods, services and works.
Proper Officer	A person designated as being responsible for a particular function or range of functions.
Quorum	This is the required number of members which need to be present at a meeting to enable the business of that meeting to be transacted.
Licensing Committee	The Licensing Committee is comprised of Councillors and is responsible for the overseeing and regulation of certain legislation and legislative processes including all types of licence, registrations, street trading and appeals relating to them.
Returning Officer	The individual who is responsible for the running of national and local elections and referenda.

Scrutiny	<p>Scrutiny is a role fulfilled by all Councillors who are not Members of the Cabinet. It is a statutory function under the Local Government Act 2000.</p> <p>The role of the scrutiny committees is to help develop policy, to carry out reviews of Council and other local services and to hold Cabinet and Cabinet Members to account for their actions and decisions.</p>
Section 106 Agreement	A Section 106 Agreement, sometimes known as a planning obligation, is a legally binding agreement entered into between a local authority and a developer and is an established and valuable way of bringing development in line with the objectives of sustainable development as articulated through relevant local, regional and national planning policies.
Sustainable Community Strategy	This Strategy is the overarching long term vision and plan for a local area.
The Council	Chiltern District Council
The 1989 Act	The Local Government and Housing Act 1989
The 2000 Act	The Local Government Act 2000
Ward	A geographical area of the District represented by one or more Councillors.

