

# **Part 1**

## **Summary and Articles of the Constitution**

# Wycombe District Council Constitution Summary and Articles

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# Article 1

## THE PURPOSE OF THE CONSTITUTION

### 1. Summary and Explanation

Wycombe District Council's Constitution sets out how the Council works and how decisions are made to ensure efficiency, transparency and accountability to its ~~citizens~~residents. Some of these processes are required by the law, while others are a matter for the Council to choose. The behaviour of individuals and groups is regulated through codes of conduct, methods of working and standing orders.

The Constitution contains a number of Parts which set out the basic rules governing the Council's business. More detailed procedures and codes of practice are provided in the Council's Code of Conduct, Standing Orders, Financial Regulations and other sections.

### 2. Powers of the Council

The Council will use all its powers and duties in accordance with the law and this Constitution. Where the Council chooses between different courses of action, it will always ~~choose~~ aim to choose that option which it thinks is closest to the purposes set out below.

### 3. Principles And Aims ~~urpose~~ of the Constitution

This is to:

- Work towards the Council's vision
- Provide clear democratic leadership in partnership with its ~~resident~~citizens, local businesses and other representative organisations
- Involve its ~~resident~~citizens in decision making
- Help councillors to represent their constituents effectively
- Enable decisions to be taken efficiently and effectively
- Create a powerful and effective means of holding decision-makers to public account

- Ensure that no one will review or scrutinise a decision in which he or she was directly involved
- Ensure that the person making the decision is clearly identified and gives reasons for decisions to local people
- Provide a means of improving service delivery within the Council's priorities and strategic objectives

#### 4. **Review and revision of the Constitution**

The Regulatory and Appeals Committee will monitor and review the operation of the Constitution to ensure that it achieves its purposes, drawing attention to any particular strengths and weaknesses and making recommendations for ways in which the purposes could be better achieved. In order to achieve this, the Committee may:

- Observe any meetings
- Undertake an audit of a sample of decisions
- Record and analyse issues raised by Councillors, officers, the public or other relevant stakeholders
- Compare practices in Wycombe with other authorities, especially national examples of good practice

The Committee will report its findings to full Council.

#### 5. **Changes to the Constitution**

The Head of Democratic, Legal and Policy Services has delegated authority to effect any consequential changes to the Constitution arising from changes to legislation which are mandatory on the Council. In addition, this authority includes amendments to effect changes in Officer Job titles, Service Departments (arising from restructurings), Cabinet Member portfolio details, names of Committees, etc.

Other Changes to the Constitution will only be approved by full Council following consideration of proposals from the Regulatory and Appeals Committee.

Before any proposal ~~is~~ put forward to change from a Leader and Cabinet system to alternative arrangements or a mayoral system, reasonable steps would need to ~~must~~ be taken to consult with local electors and other interested persons. In the case of a change to a mayoral system, the Council must also hold a binding

referendum<sup>1</sup>.

## 6. Interpretation of the Constitution

The Chairman of the Council's ruling on the Council Procedure Rules within the Constitution as to the construction or application of the Constitution or as to the Council's proceedings may not be challenged at a Council meeting. ~~Such interpretation must take into account the purposes of the Constitution~~<sup>2</sup>.

## 7. Suspension of the Constitution

~~The sections of this Constitution may not be suspended, but~~ the Council's procedural Standing Orders<sup>3</sup> (except Standing Order 31 – suspension of standing orders and those standing orders prescribed by law) may be suspended if the following procedure is followed:

- At least half of the number of councillors entitled to be present at a meeting is actually present
- The extent and duration of the suspension must be proportionate to the result to be achieved
- Any suspension must take account of the purposes of the Constitution<sup>4</sup>

## 8. Publication of the Constitution

Every ~~C~~councillor upon his or her acceptance of office shall be provided with the appropriate link to the web site to gain access to the Constitution. On request an electronic copy of the Constitution will also be provided. Copies will also be available via the Intranet and Internet.

## 9. How the Council works

The Council has 60 councillors who are elected once every 4 years. Their main duty is to the whole District, but they have a special duty to people who live in the ward they represent and to whom they are democratically accountable. This duty is to all the ward's constituents including those who did not vote for them.

All ~~C~~councillors meet together as the full Council. The Council

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<sup>1</sup> Section 27, Local Government Act 2000

<sup>2</sup> ~~See paragraph 3 above – renumber footnotes below~~

<sup>3</sup> See Part 3 of the Constitution

<sup>4</sup> See paragraph 3 above

decides overall priorities and policies and sets the budget and holds to account the Cabinet and Committees<sup>5</sup>.

## 10. The Cabinet

The Cabinet is responsible for most decisions. It is made up of the Leader, who is appointed by the Council, and up to 9 other councillors whom he/she appoints.

When major decisions are to be discussed or made, these are published in the Cabinet's **F**forward **P**lan and in the Cabinet agenda for a particular meeting. Agendas are published 5 clear days before a meeting and the meeting itself is open to the public unless exempt or confidential matters are being discussed<sup>6</sup>. The Cabinet can only make decisions on matters within the Council's overall policies and budgets<sup>7</sup>.

## 11. Overview and Scrutiny

The Council must have at least one Overview and Scrutiny Committee which at Wycombe is known as the Improvement and Review Commission.

~~The Improvement and Review Commission encourages citizens to have a greater say in Council matters by enquiring into matters of local concern.~~ Its main role is to propose ideas which will lead to improvements in Council services and it does this by investigating specific issues. These lead to reports and recommendations which advise the Cabinet and the Council as a whole on its policies, budget and service delivery. It may also preview Cabinet proposals and may be consulted by the Cabinet or the Council on forthcoming decisions and the development of policy.

The Improvement and Review Commission also monitors the decisions of the Cabinet. It can 'call-in' a decision which has been made by the Cabinet but not yet implemented provided certain criteria are met<sup>8</sup>. This enables it to consider whether the decision is appropriate. The Commission may recommend that the Cabinet reconsiders the decision. ~~It may also be consulted by the Cabinet or the Council on forthcoming decisions and the development of~~

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<sup>5</sup> See Section 4 for full details of the Council's roles and responsibilities

<sup>6</sup> See Access to Information Procedure Rules for details of the type of information not open to the public

<sup>7</sup> See Section 6 for full details of how the Cabinet works and the section on Policy and Budget Framework rules

<sup>8</sup> See the Improvement and Review Protocol in Part 3 of the Constitution for full details of the "Call-In" procedure criteria to be applied prior to call-in

policy<sup>9</sup>. Cabinet has the final decision.

## 12. **The Council's Staff**

The Council employs officers to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A code of practice governs the relationships between officers and Councillors of the council<sup>10</sup>. Many officers make decisions on matters delegated to them<sup>11</sup>.

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<sup>9</sup> See Section 5 for full details of the Improvement and Review Commission

<sup>10</sup> See Part 5 of the Constitution

<sup>11</sup> See Schemes of Delegation for more details

13. **Residents' Citizens' Rights**

Residents Citizens have a number of rights in their dealings with the Council, including the right to vote, contact their local councillor, attend meetings open to the public and inspect the Council's accounts<sup>12</sup>.

14. **Description of Executive and Non Executive Arrangements**

This set out in Part 2 of the Constitution.

## **Article 2 COUNCILLORS**

1. **How many are there?**

Wycombe District Council has 60 councillors who between them represent 287 wards. Each ward has either one, two or three Councillors who are elected by the voters of that ward. The boundaries of each ward and the number of Councillors are decided by the Department for Communities and Local Government upon Office of the Deputy Prime Minister upon recommendation from the Electoral Commission.

2. **Eligibility**

Only people registered as voters in Wycombe District, living or working in Wycombe, or have occupied property as owner or tenant in the area for at least the past 12 months, are eligible to stand or hold office as a councillor<sup>13</sup>.

3. **Election and term of office**

All Wycombe District Councillors are elected every 4 years with the election being held on the first Thursday in May.

Once elected, the term of office starts on the fourth day after being elected and finishes on the fourth day after the date of the next regular election, except for that of the Leader (Standing Order 5 of the Council Procedure Rules).

If a vacancy occurs, a by-election will be held unless there is less than 6 months to go before the next scheduled elections. Any Councillor elected at a by-election holds office only until the next scheduled election.

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<sup>12</sup> See Section 3 for more details

<sup>13</sup> Representation of the People Acts and regulations made thereunder



#### 4. Roles and functions of all Councillors

All Councillors are collectively and individually responsible for:

- Setting strategic direction
- Being the ultimate policy makers
- Promoting the interests of the community
- Promoting or improving the social, economic and environmental well-being of the district<sup>14</sup>
- Participating in good governance
- Encouraging community participation and citizen involvement in decision making
- Developing open government
- Effectively representing the interests of their ward and of individual constituents (whether or not that constituent voted for them)
- Dealing with individual casework
- Acting as an advocate for constituents in resolving particular concerns or grievances fairly and impartially
- Participating fully and effectively as a Councillor of any committee to which they are appointed
- Undertaking appropriate training if appointed to a quasi-judicial committee
- Providing 2 way communication between the Council and any outside body to which they are appointed
- Respecting the requirement that the party whip is not applied at meetings of the Improvement and Review Commission, its Task and Finish Groups, Planning Committee, Licensing Committee or whilst exercising any quasi-judicial function

~~Further details can be found in the job description for an individual~~

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<sup>14</sup> Section 4 Local Government Act 2000

councillor<sup>15</sup>.

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## **5. 5. Access to Information**

Every Councillor can access such documents, information, land and buildings belonging to the Council as are necessary for the proper discharge of his or her legal functions.

No Councillor may make confidential or exempt<sup>16</sup> information public without the specific consent of the Council or divulge information given in confidence to him or her other than to another Councillor or officer entitled to know it.

A Councillor who is not a member of a Committee may, with the prior consent of the Chairman, attend a meeting to make a statement on behalf of his or her constituents on any item on the agenda which directly affects his or her Ward. In these circumstances, the Chairman's consent must not be withheld unreasonably.

A Councillor who is not a member of a Committee may, at the Chairman's discretion, and with the Chairman's prior consent, speak on any item on the agenda whether or not affecting his or her Ward.

At meetings of the full Council, every Councillor has the right to ask questions of the Cabinet or a Committee Chairman<sup>17</sup>.

## **6-5. Conduct**

Councillors are expected to act at all times in accordance with the Councillors' Code of Conduct<sup>18</sup> and any other codes or guidance adopted by the Council<sup>19</sup>.

The Members' Code of Conduct is set out in Part 5 of the Constitution.

## **7-6. Allowances**

Councillors are entitled to receive allowances in accordance with the Members' Allowances Scheme, as set out in Part 4 of the Constitution.

## **8-7. Honorary Aldermen**

In some cases, a long standing Councillor may be made an

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<sup>16</sup> The Access to Information Rules in Part 3 of the Constitution give definitions of this type of information

<sup>17</sup> See procedural Standing Order 11 in Part 2 of the Constitution

<sup>18</sup> ~~A model code was established under Section 50 of the Local Government Act 2000~~

<sup>19</sup> ~~See Part 5 of the Constitution for copies of all the relevant Codes and guidance. A~~ The Current Code of Conduct was adopted by the Council in July 2012 and has since been amended.

Honorary Alderman upon his or her retirement as a local ~~C~~eouncilor, in accordance with the Scheme for Honorary Aldermen, as set out in Part 5 of the Constitution.

### **Article 3**

## **RESIDENTS CITIZENS AND THE COUNCIL**

~~Residents Citizens~~ have a number of rights in their dealings with the Council and these are set out below. Some of these are legal rights and some depend on the Council's own processes. ~~Where a specific service is provided, e.g. housing, a Council tenant has additional rights not covered in the Constitution.~~

Councillors or officers are available to help and advise on an individual's rights and the Citizens Advice Bureau can also advise.

#### **1. Voting and petitions**

Individuals registered on the electoral roll may vote at local and national elections or referenda and petition to request a referendum for an elected mayor.

#### **2. Obtaining information**

Any citizen can:

- contact local ~~C~~eouncillors about any issue of local concern
- obtain a copy of the Constitution
- ask questions of Cabinet Members at meetings of the full Council<sup>20</sup>
- speak at meetings of the Planning Committee on issues within the local area<sup>21</sup>

#### **3. Meetings**

All meetings of the Council, the Cabinet and Committees are open to the public unless exempt or confidential information<sup>22</sup> is being discussed. The Cabinet publishes an ~~an annual~~ Forward Plan of ~~what~~ items ~~which were likely~~ are expected to be considered at each ~~which~~ meeting. This is updated on a rolling basis and published on the Council's website at [www.wycombe.gov.uk](http://www.wycombe.gov.uk).

<sup>20</sup> See Standing Order 10 for details of the procedure to follow

<sup>21</sup> See Part 3 Section I for details of the procedure to be followed

<sup>22</sup> See the Access to Information Rules in Part 3 of the Constitution for details

The Improvement and Review Commission takes evidence from local people and experts on particular issues of local concern. Any citizen can volunteer to give evidence or submit information to the Commission.

With the exception of exempt and confidential items, all agenda papers and minutes of meetings are freely available either in hard copy or via the Council's website. Any item which is drafted by relying on other reports or information must state that fact, and that information (known as background papers) is also available for inspection.

Agendas and minutes must be available for a period of 6 years from the date of a meeting, and background papers for 4 years.

A statement summarizing the rights of residents citizens to inspect agendas and minutes and attend meetings is available for inspection at the Council Offices in Queen Victoria Road, ~~the Area Information Centres~~ or on the Council's website.

#### 4. **Accounts**

Every resident citizen can inspect the Council's accounts as provided by law and make his or her views known to the external auditor. Public notice is given in local newspapers and on the Council's website when the accounts are available.

#### 5. **Complaints**

The Council has a formal complaints procedure which will be followed whenever a complaint is made to it about service problems<sup>23</sup>. If a complainant is unsatisfied at the end of this process, then a complaint can be pursued with the Local Government Ombudsman<sup>24</sup>.

Any complaint about a Councillor's conduct should be addressed to the Complaints Officer, Wycombe District Council (email [complaints@wycombe.gov.uk](mailto:complaints@wycombe.gov.uk)).

Any complaint about an officer's conduct should be addressed to the appropriate Head of Service (if known) or the Chief Executive.

#### 6. **Behaviour**

ResidentsCitizens must treat Councillors and officers with respect and are entitled to expect the same courtesy.

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<sup>23</sup> Have we got it right? leaflet

<sup>24</sup> [www.lgo.org.uk](http://www.lgo.org.uk)

Violence, abusive or threatening behaviour and willful harm to Council property will not be tolerated.

## **Article 4**

### **ROLES AND RESPONSIBILITIES OF FULL COUNCIL**

~~The full Council has two different types of functions. **Statutory** functions are those which the law requires the full Council and no one else to undertake. **Local Choice** functions are those which the Council has decided should remain with the full Council rather than being the responsibility of the Cabinet.~~

#### **STATUTORY FUNCTIONS**

##### **1. Meetings**

There are 3 types of Council meeting conducted in accordance with the Council's procedural Standing Orders and rules of debate<sup>25</sup>

- Ordinary Meetings

These are held in February, April, July, October and December each year.

Regular items of business include questions from members of the public, questions from councillors and consideration of the minutes of Cabinet, the Improvement and Review Commission and the various committees. From time to time the Council receives presentations, petitions, or debates motions from councillors on specific subjects

- The Annual Meeting

This meeting is a legal requirement and is held in May each year. It deals with a number of matters including:

Election of the Chairman and Vice Chairman of the Council and the Leader of the Council

Report from the Leader of the Council

Committee and outside body appointments

- Extraordinary Meetings

These are held at the express request of 5 Councillors of the Council and if the Chairman of the Council does not call such a

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<sup>25</sup> See Part 3 of the Constitution for full details especially SO 6 - 16

meeting, then after 7 days, any 5 Councillors of the Council may immediately call an extraordinary meeting.

All Council Meetings are held in the Council Chamber in the Queen Victoria Road Offices starting at 6.30pm. Notice of meetings will be given at least five clear working days before the meeting

## 2. Public Participation

The public is entitled to attend all Council meetings unless exempt or confidential business is being discussed<sup>26</sup>. All agendas and minutes are published on the Council's website. The public may ask questions of the Leader of the Council or any Cabinet member at ordinary meetings of the Council. Questions must be submitted not later than 12 noon on the Thursday of the week preceding the Council meeting<sup>27</sup>

## 3. The Constitution

~~Full Council is responsible for adoption and~~ ~~Adoption and~~ subsequent changes except for those authorised by Article 1.5 above. ~~The Council will maintain Part 3 of the Constitution setting out the responsibilities for those functions not the responsibility of the Cabinet<sup>28</sup>, including local choice functions and outside bodies for which it will be responsible for making appointments~~

## 4. Executive arrangements

Changes to the form of Executive, eg replacing the Cabinet system with an elected mayor

## 5. The draft policy framework<sup>29</sup>

This is specified in the Local Government Act 2000 to be particular plans and strategies. Currently these are:

- Crime and Disorder Reduction Strategy

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<sup>26</sup> For details of the type of information likely to be considered without the press and public present see the Access to Information Rules in Part 3 of the Constitution

<sup>27</sup> Full details of the procedure to be followed can be found in Standing Order 10

<sup>28</sup> ~~These are known as non-executive functions and are specified in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 as amended. In the main these tend to be mainly regulatory functions, eg determination of planning or licensing applications and will be the responsibility of the Council unless delegated to a committee or sub-committee of the Council or an officer. An executive function is any function not specified as non-executive and is the responsibility of the Cabinet unless delegated to a Cabinet Member or an officer~~

<sup>29</sup> A procedure must be adopted by the full Council to deal with conflict resolution in the event of dispute between the Council and Cabinet over the setting of either the policy or budget framework

- Licensing Authority Policy
- Sustainable Communities Strategy
- Wycombe Development Framework, including approval of draft proposals for public consultation purposes associated with preparation of alterations to, or the replacement of the Development Plan

The Council may decide to include other appropriate plans and strategies from time to time

## 6. **The draft budget framework**

The budget includes the allocation of resources to different services and projects, proposed contingency funds, setting the council tax and decisions relating to the control of the Council's borrowing requirement, the control of its capital expenditure, its investment strategy<sup>30</sup> and the setting of virement limits

## 7. **Setting the Council Tax**

This includes specific functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions

## 8. **Decisions not in accordance with agreed policies and budgets**

If a decision of the Cabinet or a Cabinet Member is not in accordance with the approved policy or budget framework then it is for the full Council to decide subject to the urgency provisions in the Access to Information Rules<sup>31</sup>

## 9. **Officer Reports**

- Reports of the Chief Finance Officer relating to proposals / decisions in connection with non-executive functions which are considered to involve unlawful expenditure, or to be unlawful and likely to cause a loss to the Council, or to involve a potential unlawful item of account<sup>32</sup>
- Reports of the Head of Paid Service on co-ordination of the carrying out of Council functions, the number and grade of

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<sup>30</sup> Including the determination of borrowing limits under the Local Government and Housing Act 2003

<sup>31</sup> See Rule 15 under Access to Information Procedure Rules in Part 3 of the Constitution

<sup>32</sup> Section 114 Local Government Finance Act 1998



officers required for this purpose, and the organisation of officers<sup>33</sup>

- Reports of the Returning Officer or Electoral Registration officer relating to electoral matters<sup>34</sup>
- Reports of the Monitoring Officer relating to proposals/decisions in connection with non-executive functions which are considered to give rise to unlawfulness, or in some cases, maladministration.<sup>35</sup>

## 10. Officer Appointments

Making or confirming the appointments of Head of the Paid Service, Returning Officer, Electoral Registration Officer, Corporate Directors, Monitoring Officer and Chief Finance Officer. The Council has also reserved to itself the appointment of Councillors to first tier appointment committees in accordance with Standing Orders<sup>36</sup>

## 11. Appointment of Committees

Deciding which committees will be set up, determining their terms of reference and composition, number of Councillors, term of office, any area of the District to which their operation is to be restricted, and making appointments to them. Membership of committees will be determined in accordance with political balance rules<sup>37</sup> unless the full Council (with no Councillor voting against) decides otherwise. The method of appointment will be as set out in Standing Order 18 and the names will be recorded in the minutes of the Annual Meeting of the Council

## 12. Scheme of delegation

Maintaining a list of functions delegated to committees or officers<sup>38</sup>

## 13. Standing orders

Making and approving standing orders for the formal procedure of the Council and its committees and for contracts and financial regulations<sup>39</sup>

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<sup>33</sup> Section 4 Local Government and Housing Act 1989

<sup>34</sup> Local Government Act 1972, Representation of the People Acts and regulations made thereunder

<sup>35</sup> Section 5 Local Government and Housing Act 1989

<sup>36</sup> See Standing Order 28

<sup>37</sup> Section 15 to 17 of the Local Government and Housing Act 1989

<sup>38</sup> See the detailed schemes of delegation to committees and officers in Part 2 of the Constitution

<sup>39</sup> See Part 3 of the Constitution

#### 14. **Chairman and Vice-Chairman of the Council**

The Chairman and Vice-Chairman of the Council will be elected at the Annual Meeting of the Council. If both the Chairman and Vice-Chairman are absent from a Council meeting, another person must be elected to chair the meeting<sup>40</sup>. The Chairman or in his/her absence the Vice-Chairman will:

- Be the first citizen of the district
- Provide a ceremonial focus for the district
- Chair Council meetings and major consultations impartially and in a politically neutral way so that business can be carried out efficiently and with regard to the rights and interests of councillors and citizens

The Chairman must be a serving Councillor of the Council, but unless he or she resigns or becomes disqualified to be a Councillor, the Chairman will remain in office until a successor is elected. Even if not standing, or defeated at the district council elections, the Chairman continues to be a Member of the Council until a successor is appointed at the Annual Meeting. However, if the Chairman remains a Councillor solely because of this provision, then he or she is unable to vote in the election for a successor unless the Chairman's casting vote is exercised.

#### 15. **Enrolment of Honorary Aldermen**

To confer the honour of Honorary Alderman upon past councillors who have fulfilled the requirements and been nominated in accordance with the Council's Scheme<sup>41</sup>

#### 16. **Electoral matters**

Any matters not by law the responsibility of the Returning Officer or Electoral Registration Officer or not delegated to Committee

#### 17. **Legislation**

Any Local Act functions and the promotion or opposing of local legislation or personal Bills

#### 18. **Bye-laws**

Making, amendment, revocation, re-enactment or adoption

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<sup>40</sup> See Standing Order 13

<sup>41</sup> See Scheme for the Enrolment of Honorary Aldermen in Part 5 of the Constitution

## 19. **Standards and ethics**

Overall responsibility, ~~for~~ including:

- Resolution adopting or revising new Codes of Conduct for Councillors and officers
- Setting up of Standards Committee

A Register of Councillors' Disclosable Pecuniary Interests and of gifts and hospitality received is maintained and open for public inspection upon application. All Councillors must abide by the Council's Code of Conduct and other guidance adopted from time to time.<sup>42</sup>

## 20. **Name of the District**

Any application to change the name of the District including a petition to confer borough status

## 21. **Scheme of Allowances**

Consideration of the report of the Independent Remuneration Panel and the adoption of the Scheme of Councillors' Allowances<sup>43</sup>

## 22. **Housing Land Transfers**

Any application to the Secretary of State in respect of Housing Land Transfer<sup>44</sup>

## 23. **Other Matters**

Any other matters required by law to be dealt with by full Council

# LOCAL CHOICE FUNCTIONS

## 1. **Leader of the Council**

To elect the Leader of the Council in accordance with Standing Order 5

## 2. **Boundary or re-organisation proposals**

Final decision or recommendation to government as necessary on any boundary or re-organisation affecting the district

<sup>42</sup> Details can be found in Part 5 of the Constitution

<sup>43</sup> See Part 6 of the Constitution for details of the current allowances

<sup>44</sup> Housing Land Transfer means the approval or adoption of applications (whether in draft form or not) to the Secretary of State for approval of a programme of disposal of 500 or more properties to a person under the Leasehold Reform, Housing and Urban Development Act 1993 or to dispose of certain land used for residential purposes where approval is required under sections 32 or 43 of the Housing Act 1985

3. **Judicial Review**

Authorisation of proceedings relating to non-executive functions, unless a Corporate Director after consultation with the Chairman of the Improvement and Review Commission considers that such proceedings relate to a planning application or appeal. [Also see Head of Democratic, Legal and Policy Services delegation in Part 2 of the Constitution.](#)

4. **Joint Working**

Endorsement of the overall strategy for joint working with other bodies.

5. **Outside Bodies**

Appointment of representatives to outside bodies unless the appointed has been delegated by the Council or is a Cabinet appointment.

6. **Call-In**

Issues called-in to full Council.

7. **High Wycombe Town Centre Redevelopment**

Approval or adoption of any strategies relating to the High Wycombe Town Centre redevelopment (Eden) (including any amendments, modifications, variations or revocations).

8. **Plans and Strategies**

Approval, adoption, amendment, modification, variation, or revocation of any plan or strategy unless the Cabinet is authorised by the Council to make the same at the time the plan or strategy is approved or adopted or which is a matter the responsibility of the Cabinet by law.

9. **Policies**

Major changes to existing policies or new policies for non-executive functions, unless specifically delegated to a committee.

## **Article 5**

### **IMPROVEMENT AND REVIEW COMMISSION**

1. **What is the Improvement and Review Commission?**

The Local Government Act 2000 as amended (the Act) requires that the Council must appoint at least one improvement and

scrutiny committee. Wycombe **DC** **had**s decided that this Committee should be known as the Improvement and Review Commission.

## 2. **What does the Commission do and what are its terms of reference?**

The Commission's functions are to scrutinise effectively and openly decisions and performance and to discharge the functions set out in section 21 of the Act. By law the Commission has no power to carry out functions itself; its role is to propose improvements to the Cabinet, the Council or other Committees and to scrutinise Cabinet (or individual Cabinet Member or officer) decisions.

It has no powers other than those set out in the Local Government Act 2000.

## 3. **General Functions**

The Commission's remit covers the whole range of Council functions. It is required to hold the Cabinet to account on behalf of the whole Council and it may assist in the review and development of Council policy across all Cabinet and other Committee functions.

The Commission must conduct its work in accordance with the Improvement and Review Protocol<sup>45</sup> and Council Standing Orders<sup>46</sup>.

The Commission has more specific functions as shown below.

## 4. **Policies**

To review the policies of the Council, its Committees and the Cabinet and to recommend to the Council or the Cabinet whether:

- any new policies are required
- any existing policies should be revoked, amended or made more effective

## 5. **Review of Functions**

To review how the Cabinet discharges its functions and to recommend to the Council or the Cabinet whether:

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<sup>45</sup> See Part 3 of the Constitution for further details of the protocol

<sup>46</sup> See Part 3 of the Constitution for Procedural Standing Orders

- any action should be taken to improve the economy, efficiency and effectiveness of those functions or their co-ordination, either within the authority or with the functions of another person or body
- the function should continue or continue in another way

The Commission may recommend that a particular issue should be included in the Cabinet's Forward Plan<sup>47</sup>.

Subject to the "call-in" procedures<sup>48</sup> set out in the Improvement and Review Protocol, to review and scrutinise any decisions or proposed decisions of the Council, the Cabinet, or officers and to report or recommend to the Council or the Cabinet whether:

- the decision should be reconsidered or amended and if so how
- any further action should be taken to ensure proper or better implementation of decisions
- any lessons can be learned from that decision to improve future decision-making

The Improvement and Review Commission will not routinely scrutinise decisions of another Committee of the Council, especially decisions in respect of development control and other quasi-judicial functions<sup>49</sup>. Improvement and Review is not an alternative to normal appeals procedures, but it may look at particular issues and make recommendations for improvements.

## 6. **Improvements**

To consider any matters which affect the Council's area or its inhabitants and to make recommendations or reports to the Council or the Cabinet

## 7. **References from Council or Cabinet**

To consider any matter referred to it by the Council or the Cabinet and recommend or report to the Council or the Cabinet accordingly. The Commission has an automatic right to consider the following before they are actioned if it so wishes:

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<sup>47</sup> The Cabinet is required to publish a schedule of subjects on which it will be making decisions known as the Forward Plan

<sup>48</sup> Certain decisions may be 'called-in' by the Commission prior to implementation. See the Improvement and Review Protocol in Part 3 of the Constitution for full details of the 'call-in' procedures and tests to be applied prior to call-in

<sup>49</sup> See Part 2 of the Constitution for full details of the quasi-judicial functions of the Council

- reports of statutory inspections (including Best Value inspections)
- reports from the External Auditors (if appropriate)
- draft policies, plans and strategies which are recommended by the Cabinet to the Council for approval
- the draft budget which is recommended to the Council by the Cabinet
- any proposals from the Cabinet for a modification of the authority's Constitution
- Ombudsman reports which include a finding of maladministration

#### **8. Reference from Members**

- To deal with references from Members of the Commission of matters which are relevant to the functions of the Commission
- To deal with references from Councillors who are not Members of the Commission of any non-excluded local government matter which is relevant to the functions of the Commission.

#### **9. Criteria which the Commission will use in its work**

When carrying out reviews and considerations, the Improvement and Review Commission must consider whether:

- the relevant criteria were used
- the decision is in accordance with the Policy and budget framework<sup>50</sup> set by the Council
- the decision or action was within the powers of the Authority
- the decision was lawful
- the decision contributes to the efficient, effective and economic discharge of the function

#### **10. How will the Commission work?**

Part 3 E of the Constitution sets out the Improvement and Review

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<sup>50</sup> See Part 3 of the Constitution for details of the policy and budget framework

Commission Protocol, outlining how the Commission operates.

#### **11. Preparation and publication of reports**

The recommendations of the Commission will either be published in a separate report or summarized within its minutes. Copies of the report or recommendations on any Cabinet matter will be given to the Cabinet or the appropriate Cabinet member. This will usually be by way of an item on the next Cabinet agenda.

When a Member of the Commission raises an issue under the procedure described in paragraph 8, a copy of the report or recommendation must be provided to that Member. In a matter involving an improvement target for a partner authority specified in the local area agreement, that partner must receive a copy of any report or recommendation.

#### **12. Membership**

Membership will be determined in accordance with political balance rules under Section 15 to 17 of the Local Government and Housing Act 1989, or as the full Council shall determine with no Councillor voting against. The numbers and method of appointment will be as set out in Council Procedure Standing Orders. The names of Councillors so appointed will appear in the Minutes of each Annual General Meeting of the Council.

#### **13. Chairman and Vice Chairman**

The Chairman and Vice Chairman are responsible for leading the work of the Commission, liaising with Cabinet and Committee Chairmen on behalf of the Commission and ensuring that Commission and Task and Finish Group members receive appropriate training<sup>51</sup>.

#### **14. Speakers**

Cabinet Members, other Councillors, Officers, representatives of outside bodies, external experts or any resident of the District or person with a legitimate interest in the subject under consideration at the Commission or one of its Task and Finish Groups may be requested to attend a meeting and speak or give evidence as

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<sup>51</sup> See job descriptions at the end of Part 2 of the Constitution for more details



appropriate<sup>52</sup>.

When any Member raises an issue under the procedure described in paragraph 8, he or she will have the right to attend the meeting of the Commission when it is to be discussed.

## **Article 6 CABINET**

### **1. What are the Cabinet's functions?**

The Cabinet carries out all the Council's functions which by law are not the responsibility of either the Council itself or any of its Committees or officers<sup>53</sup> or which the Constitution states will be the Cabinet's responsibility<sup>54</sup>.

The Council's responsibilities as Trustee of the Higginson Park Trust to provide parks, open spaces and recreational facilities at Court Garden and Higginson Park, Marlow are also the function of the Cabinet, an individual Cabinet Member or officers<sup>55</sup>.

The detailed arrangements for which Cabinet member, committee of the Cabinet or officer carries out which function are set out in ~~in~~ Part 2 of the Constitution.<sup>56</sup>

### **2. Who is in the Cabinet?**

The Cabinet consists ~~of a maximum of 10 Councillors - of the~~ Leader of the Council, the Deputy Leader of the Council and ~~at least 2, but~~ not more than 8 ~~other, e~~Councillors appointed as Cabinet members by the Leader of the Council.

### **3. The Leader of the Council**

The full Council appoints the Leader of the Council on a four year term of office. If there is a clear political majority, only that party is permitted to put forward a nomination.

If there is no clear political majority then specific provisions apply<sup>57</sup>.

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<sup>52</sup> See the Improvement and Review protocol for details of procedures to be followed and documentation to be made available

<sup>53</sup> Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) Regulations made thereunder

<sup>54</sup> See Part 2 of the Constitution for full details

<sup>55</sup> See Part 2 of the Constitution for full details

<sup>56</sup> See Part 2 of the Constitution

<sup>57</sup> See Standing Order 5

The Leader of the Council holds office **for** a 4 year term in accordance with the Local Government and Public Involvement in Health Act 2007 or until:

- He or she resigns as Leader of the Council
- He or she is no longer a Councillor
- He or she is removed as Leader of the Council by resolution of the full Council

There is no limit on the number of times that a **C**eouncillor may be re-elected as Leader of the Council.

#### 4. **Appointment of Cabinet Members**

Cabinet members<sup>58</sup> usually take up their appointments at the Annual Council meeting. At other times any appointment takes place two working days following written notification by the Leader of the Council to the Head of Democratic, Legal and Policy Services.

A Cabinet Member may be appointed for up to 4 years at any one time or until:

- He or she resigns from office
- He or she is no longer a ~~councillor~~Councillor
- He or she is removed / dismissed from office by the Leader of the Council who must give written notice of the removal to the Head of Democratic, Legal and Policy Services. For the avoidance of doubt, a Councillor may be re-appointed as a Cabinet Member on any number of occasions.

Names and functions for individual Cabinet members are published and updated regularly and are available on the Council's website [www.wycombe.gov.uk](http://www.wycombe.gov.uk).

#### 5. **How does the Cabinet operate?**

The Cabinet's method of operation is set out in detail under Cabinet Procedures and processes in Part 3 D -of the Constitution.

#### 6. **Notice of decisions**

The Cabinet publishes details of its decisions on the third working day following a Cabinet meeting. A weekly list of all individual

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<sup>58</sup> Name, address and ward represented of each Cabinet member is set out in Part 2 of the Constitution and on the Council's website [www.wycombe.gov.uk](http://www.wycombe.gov.uk)

decisions made by Cabinet members is also published.

No decision may be implemented until the expiry of 5 working days to allow for the possibility of call-in by members of the Improvement and Review Commission<sup>59</sup>

If any urgent decisions are made, the Leader of the Council must report a summary of such decisions to the next full Council meeting.

## **Article 7 COMMITTEES**

The Council may set up committees to cover any of its functions. Committees may set up sub-committees to deal with any of its functions. The Localism Act 2011 permits the Council to appoint a Standards Committee.

The full Council has to act in accordance with its procedural Standing Orders and many of these also apply to its Committees<sup>60</sup>.

### **1. The different types of Committees**

Committees may be either 'standing' or 'ad hoc'.

Standing committees are appointed for at least one Council year and usually for several years. Typically they will cover a range of functions and will meet in accordance with a timetable drawn up and published a year in advance. Most committees will meet 5 or 6 times per year, although special meetings may be called from time to time.

Some standing committees are also 'quasi-judicial' committees and as the name implies deal with matters prescribed by law. The Planning Committee dealing with planning applications is probably the best known. Unlike other committees, the Planning Committee meets every 4 weeks.

Ad hoc committees are time limited and usually set up to deal with a single issue.

### **2. The appointment of Committees**

Standing Committees are set up at the annual meeting of the Council. Ad hoc committees may be set up at any Council meeting during the year. The Council determines the number of

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<sup>59</sup> See Improvement & Review Protocol in Part 3 of the Constitution

<sup>60</sup> See Part 3 of the Constitution for full details of the procedural Standing Orders

Councillors who will serve on each Committee, their term of office, the committee's terms of reference, and any particular area of the district in which the committee may operate.<sup>61</sup>

The full Council also appoints the Chairmean and Vice Chairmean.

### 3. **Proportionality**

Seats on Committees and Sub Committees are distributed among the political groups in line with the proportion of seats which that group has overall on the Council, unless the full Council determines an alternative composition and no Councillor votes against<sup>62</sup>. Places for independent Councillors are allocated at the full Council's discretion.

### 4. **Standing Deputies**

With the exception of the Cabinet (where standing deputies are not permitted), standing deputies are appointed in accordance with an agreed formula<sup>63</sup>.

### 5. **Records of attendances**

The names of all Councillors attending a meeting are recorded and published in the minutes.

### 6. **Training**

No Councillor may serve on a quasi-judicial committee, e.g. Planning or Licensing, unless he or she has completed a specified training programme.

### 7. **Rights of access to committee meetings**

All meetings are open to the public unless exempt or confidential information is being discussed<sup>64</sup>. Public speaking is permitted at meetings of the Planning Committee with prior notice.

A Councillor who is not a member of a Committee may, with the prior consent of the Chairman attend a meeting to make a statement on behalf of his or her constituents on any item on the agenda which directly aspects his or her ward. In these circumstances, the Chairman's consent must not be withheld unreasonably.

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<sup>61</sup> See Part 2 of the Constitution for details of the terms of reference etc

<sup>62</sup> Sections 15 to 17 of the Local Government and Housing Act 1989

<sup>63</sup> Standing Order 22 sets out the formula to be applied

<sup>64</sup> The Access to Information Rules in Part 3 of the Constitution give details of the categories of information covered

A Councillor who is not a member of a Committee may, at the Chairman's discretion and with the Chairman's prior consent, speak on any item on the agenda whether or not affecting his or her ward.

If a motion has been referred to a committee by full Council, the mover of that motion has the right to attend the appropriate meeting and speak to the motion.

Meetings take place at the Council Offices in Queen Victoria Road, usually in the evening starting at ~~18.30~~~~19.00~~. Custom and practice is that meetings finish by 22.00.

#### 8. **Access to documents**

Agendas (with the exception of exempt or confidential items) and minutes are available for inspection at the Council Offices ~~and the Area Information Centres~~. Copies are also published on the Council's website ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)) and are freely available at the actual meetings.

All agenda documents are available 5 clear working days before the meeting takes place.

#### 9. **Terms of Reference of Standing Committees**

A summary of the broad areas of responsibility and the main functions of each of the Council's Committees is set out in Part 2 of the Constitution.

## **Article 8 JOINT ARRANGEMENTS**

1. The Council has the power<sup>65</sup> to take steps to promote the social, environmental or economic well being of the Wycombe District, and to this end the Council may take direct action itself. Alternatively, for the same purpose, the Cabinet may enter agreements or make arrangements with a third party, or co-operate with them or help them with their activities, or act on their behalf.
2. In relation to any of their powers or duties, the Cabinet (or the Council in respect of non Cabinet activities) may enter into joint

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<sup>65</sup> Section 2 Local Government Act 2000

arrangements with one or more other authorities, and this might include the creation of a joint committee<sup>66</sup>.

3. Generally speaking, the Cabinet may only appoint Cabinet members to a joint committee, and those members need not reflect the political composition of the Council. Exceptions relate to the appointment of ward Councillors on area committees covering an area smaller than two fifths of the District's population.<sup>67</sup>
4. Details of joint arrangements operated by the Council are shown in the Cabinet scheme of Delegation in Part 3 of this Constitution. These are currently the Chilterns Crematorium Joint Committee and the Joint Waste Committee for Bucks.
5. Joint committees are subject to the same access to information rules as the Cabinet.<sup>68</sup>
6. Certain activities of the Council may be contracted out where the relevant legislation permits.
7. The Leader reports to each Annual Council meeting on joint arrangements for the forthcoming year.<sup>69</sup>

## **Article 9 OFFICERS**

### **1. Management Structure**

All staff employed by Wycombe District Council are known as 'officers'.

The Council itself approves the appointment of the Chief Executive and Head of Paid Service, the Corporate Directors, the Chief Finance Officer and the Monitoring Officer. The Corporate Directors are then responsible for recruiting Heads of Service. Heads of Service appoint all other staff.

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<sup>66</sup> Section 101 Local Government Act 1972 and The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2000 as amended

<sup>67</sup> See the above Regulations

<sup>68</sup> See Access to Information Procedure Rules at page 3B – 1 to 15 of this Constitution

<sup>69</sup> See page 3D – 1 of this Constitution

| Post                                     | Summary of functions and areas of responsibility  |
|--|---|
| Chief Executive and Head of Paid Service | <p>The Chief Executive is the Council's most senior officer<sup>70</sup>. The Council determines the officer structure at first tier level and the Chief Executive as Head of Paid Service then determines the management arrangements to ensure that all the Council's functions can be properly carried out and co-ordinated. A diagram of the structure is set out in Part 6 of the Constitution.</p> <p>The Chief Executive is also the Returning Officer and Electoral Registration Officer.</p>                 |
|  | <p>The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.</p>   |
| Corporate Directors                      | <p>Corporate Directors are first tier officers and are responsible for performance managing Heads of Service and leading on major cross-cutting projects.</p>   |
| Heads of Service                         | <p>These are second tier officers<sup>71</sup>.</p>   |
| Chief Finance Officer <sup>72</sup>      | <p>The key functions of this post are:</p> <ul style="list-style-type: none"> <li>• Ensuring lawfulness and financial prudence of decision making</li> <li>• Consulting the Head of Paid Service and the Monitoring Officer and reporting to full Council or Cabinet if he or she thinks that unlawful expenditure may take place</li> <li>• Administration of the Council's finances</li> <li>• Provision of professional financial advice and information to Councillors, officers, media and the public</li> </ul> |
| Monitoring Officer <sup>73</sup>         | <p>The key functions of this post are:</p>  |

<sup>70</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>71</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>72</sup> For full details of responsibilities see Part 2 of the Constitution

<sup>73</sup> For full details of responsibilities see Part 2 of the Constitution

| Post | Summary of functions and areas of responsibility   |
|------|--|
|      | <ul style="list-style-type: none"> <li>• Ensuring lawfulness and fairness of decision making</li> <li>• Consulting the Head of Paid Service and the Chief Finance Officer and reporting to full Council or Cabinet if he or she thinks that an unlawful decision or omission may take place or give rise to a claim of maladministration against the Council</li> <li>• Advice and support to the Standards Committee including arranging for any investigations to be carried out</li> <li>• Advising whether Cabinet decisions comply with the budget and policy framework rules<sup>74</sup></li> <li>• Providing advice on the legality of powers, authority to take decisions, maladministration, impropriety or probity</li> </ul> <p>The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service</p> |

## 2. Duty to provide resources

The law requires that the Council must provide the Returning Officer, the Electoral Registration Officer, the Chief Finance Officer and the Monitoring Officer with sufficient officers, accommodation and other resources as in their opinions are adequate to allow their duties to be performed.

## 3. Conduct

All officers are required to comply with the Code of Conduct<sup>75</sup>, the Protocol on Councillor / Officer relationships<sup>76</sup> and any other codes or protocols currently in force.

# Article 10 RESPONSIBILITY FOR DECISION MAKING

<sup>74</sup> See part 3 of the Constitution for the detailed Policy and Budget Framework Rules

<sup>75</sup> See Part 5 of the Constitution for full details

<sup>76</sup> See Part 5 of the Constitution for full details



## 1. **Who does what?**

Wycombe District Council publishes and keeps up to date schedules of what part of the Council or individual may make which decisions in which areas<sup>77</sup>.

## 2. **Principles of Decision Making**

All decisions, whether made by the Council, the Cabinet, a Committee or an individual Councillor or officer must be made in accordance with the following principles:

- Proportionality (i.e. the action must be proportionate to the outcome)
- Respect for human rights
- Presumption in favour of openness
- Clarity of aims and desired outcomes
- All relevant matters must be taken into account and irrelevant matters must not be taken into account
- All necessary officer advice must be sought
- Standing orders, Financial Regulations and Contract Standing Orders must be complied with
- The Council's Procurement Strategy must be complied with
- Any decision must be in accordance with approved terms of reference and schemes of delegation
- Any declaration of interest must be made and if necessary dealt with in accordance with the Code of Conduct<sup>78</sup>
- The decision must be properly recorded and published within the approved timescale
- A clear audit trail for the decision and the reasons for it must be available

## 3. **Types of Decision makers**

### **Full Council**

Any decision made by full Council must follow the procedures set down in the Council's procedural Standing Orders<sup>79</sup>. Some decisions may only be made by the full Council and cannot be

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<sup>77</sup> See Part 2 of the Constitution for full details

<sup>78</sup> See Part 5 of the Constitution

<sup>79</sup> See Part 3 of the Constitution

delegated<sup>80</sup>.

### **Cabinet**

The Cabinet will follow the procedure set down in its own rules when making a decision<sup>81</sup>. When making a key decision<sup>82</sup> additional requirements are imposed. Individual Cabinet Members may only make a decision if the Leader of the Council has delegated the necessary authority for this purpose<sup>83</sup>.

### **Improvement and Review**

The Improvement and Review Commission will follow the procedures set down in its own protocol when making a decision or putting forward a recommendation to the Council, the Cabinet or another decision making body<sup>84</sup>.

### **Other Committees**

All other decision making bodies will follow the appropriate parts of the Council's procedural Standing Orders<sup>85</sup> when making decisions.

### **Officers**

Certain statutory responsibilities and day to day management of services is delegated to officers to carry out<sup>86</sup>. When making a decision, officers must also ensure that that decision complies with financial regulations and contract standing orders currently in force and the Council's procurement strategy.

## **4. Quasi-judicial decisions**

Whenever the Council, a Committee, a Councillor or an officer considers or determines a matter in a quasi-judicial manner which affects the civil rights or criminal responsibility of any person, a proper procedure will be followed which accords with the requirements of natural justice and the right to a fair trial contained in Article 6 of the European Convention on Human Rights.

## **5. Miscellaneous matters**

The management of the Council's financial affairs and resultant

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<sup>80</sup> See Section 3 above and Part 3 of the Constitution

<sup>81</sup> See Cabinet Procedures and Processes in Part 4 of the Constitution

<sup>82</sup> See Section 3 on decision making in Cabinet Procedures and Processes for a full explanation

<sup>83</sup> See Section B of Part 3 of the Constitution for full details of delegations

<sup>84</sup> See Section E Improvement and Review Protocol in Part 3 of the Constitution

<sup>85</sup> See Section A of Part 3 of the Constitution

<sup>86</sup> See Parts 2 and 3 of the Constitution

decisions will be conducted in accordance with the Council's Financial Regulations and Contract Standing Orders currently Any decisions in respect of legal proceedings brought by and against the Council will be made according to the rules and procedures set out in the relevant Schemes of Delegation and terms of reference<sup>87</sup>.

Documents may only be authenticated and the Council's seal applied as provided for in the Council's procedural Standing Orders<sup>88</sup>.

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<sup>87</sup> See Part 2 of the Constitution

<sup>88</sup> See Section A of Part 3 of the Constitution

## Part 2

# Responsibilities for Functions

A - FULL COUNCIL AND COMMITTEES

B - CABINET AND PORTFOLIO HOLDERS

C - OFFICER DELEGATION SCHEME

D - PROPER OFFICER FUNCTIONS

E - COUNCILLOR ROLES

# **A - FULL COUNCIL AND COMMITTEES**

## **1. FULL COUNCIL**

### **Statutory requirements**

1. Adoption of the Constitution for new political management arrangements and any subsequent changes to it save for minor anomalies.
2. Changes to the form of executive
3. Agreeing or amending the draft policy framework
4. Agreeing or amending the draft budget framework
5. Borrowing or capital expenditure or investment strategy including determination of borrowing limits under the Local Government and Housing Act 2003
6. Setting the Council Tax including functions referred to in Section 67 of the Local Government Finance Act 1992 (Council Tax calculations etc) and special expenses resolutions
7. Decisions in respect of executive functions that are not in accordance with agreed policies and budgets
8. Reports under Section 114 Local Government Finance Act 1988 unless and to the extent that legislation authorises reports in respect of executive functions to be submitted to the Cabinet
9. Making or confirming the appointments of Head of the Paid Service, Monitoring Officer, S151 Officer and any other first tier appointments
10. Adoption of statutory plans for example:
  - The Corporate Plan
  - The Community Plan
  - The Local Development Framework
11. Scheme of delegation for non-executive functions in the event of the need to assign or re-assign a relevant function
12. Approval of standing orders
13. Approval of procedures for conflict resolution between Council and Cabinet in setting the policy and budget framework
14. Election of Chairman and Vice-Chairman of the Council
15. Enrolment of Honorary Aldermen

16. Electoral matters including the reports of the Returning Officer
17. Reports of the Head of Paid Service under Section 4 of the Local Government and Housing Act 1989
18. Any Local Act functions
19. Making, amendment, revocation or re-enactment of bye-laws
20. Overall responsibility for Standards and ethics including:
  - Resolution adopting or revising new Codes of Conduct for Members and officers
  - Setting up of Standards Committee
21. Monitoring Officer reports under the provisions of Section 5 of the Local Government and Housing Act 1989, unless and to the extent that legislation authorises reports in respect of executive functions to be submitted to the Cabinet
22. Appointment of Improvement and Review Commission and other Committees of the Council and determination of their terms of reference, composition, number of members, term of office, and any area of the District in which their operation is limited
23. Any other matters required by law to be dealt with by full Council

**Functions designated by Wycombe to be the responsibility of full Council**

24. Appointment of Leader of the Council
25. Boundary or re-organisation proposals
26. Authorisation of judicial review proceedings relating to non-executive functions, save where the relevant Head of Service after consultation with the Chairman of the Planning Committee and appropriate Improvement and Review Commission Chairman considers that such proceedings are in respect of planning applications and appeals only
27. Appointment to outside bodies not the responsibility of the Executive
28. Issues called-in to full Council
29. Approval or adoption of the investment strategy
30. Major changes to existing policies or new policies for non-executive functions, unless specifically delegated to a Committee.

## 2. Planning Committee Terms of Reference

| Action   | <del>Reserved to Council</del> | Reserved to Committee  | <del>Reserved to Executive</del>  |
|--|--------------------------------|--|---|
| Determination of Planning and related Applications |                                | <p>Determination of (or refusal to determine) all applications made under the Planning Acts and all related determinations including</p> <ol style="list-style-type: none"> <li>1. relating to land owned or in the control of the Council</li> <li>2. lawful development certificate applications</li> <li>3. applications related to listed buildings and buildings in conservation area</li> <li>4. applications in respect of advertisements</li> <li>5. applications in respect of trees and hedges</li> <li>6. hazardous substances applications</li> <li>7. permitted development rights determinations</li> <li>8. applications to modify, discharge or waive any requirement of any consent or agreements/obligations</li> <li>9. all actions ancillary to the above</li> </ol> | <p>Any actions in respect of the determination of any application under the Planning Acts which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a function which is the responsibility of the Executive</p> |

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| <b>Action</b>                   | <b>Reserved to Council</b> | <b>Reserved to Committee</b>   | <b>Reserved to Executive</b>  |
|---------------------------------|----------------------------|--|---|
|                                 |                            | (including any consultation process)   |   |
| Enforcement of planning control |                            | <p>Authorisation of all actions (including service of any notices or the taking or defending of any other form of legal action or the decision not to pursue or to continue to pursue any such action) to enforce the control of development or use of land or the control of any other actions for which consent or approval is required pursuant to the Planning Acts or any local Act</p> <p>Authorisation of all actions which are a preliminary to or are required to properly pursue any action referred to above including (but not exclusively) the power to enter and survey land and to take action in default of compliance</p> <p>Authorisation of any action having the effect of relaxing or waiving the provisions of any such notices etc.</p> | <p>Any actions in respect of the enforcement of planning control whether under the Planning Acts or otherwise which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a function which is the responsibility of the Executive</p> |

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| Action                     | Reserved to Council  | Reserved to Committee   | Reserved to Executive  |
|----------------------------|--|---|--|
| Control of Development etc | Authorisation of discontinuance/ alteration of use of land or buildings pursuant to Sec 102 Town and Country Planning Act 1990 | <p>Authorisation of any other notice (if not authorised above) order, agreement or other action under the Planning Acts or any local Act having the effect of controlling or regulating the development or use of land (or relaxing or waiving any such controls) or protecting any land or buildings thereon or any other matter the subject of control or action under the Planning Acts including the protection of trees and hedgerows</p> <p>Authorisation of all actions which are a preliminary to or are required to properly pursue any action referred to above including (but not exclusively) the power to enter and survey land and action in default of compliance</p> <p>The modification, discharge or waiver of any such notice order or agreement or any condition or provision thereof</p> | <p>Authorisation of Compulsory Purchase or revocation / modification of planning consents under the Planning Acts</p> <p>Any other actions in respect of the control of development whether under the Planning Acts or otherwise which by virtue of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 is a function which is the responsibility of the Executive</p> |

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| Action       | Reserved to Council  | Reserved to Committee  | Reserved to Executive  |
|--------------|--|--|--|
| Consultation | Promotion or opposition of personal or local Bills and similar processes (e.g. major Transport and Works Act orders) where consideration by a Committee is proscribed by law | Authorisation of any response to a consultation process initiated in connection with an application made or deemed made under the Planning Acts  | Authorisation of any response to a consultation process initiated in connection with Development Plans and other central and regional planning guidance issued made or to be issued or made under the Planning Acts or in pursuance of land use planning                         |
| Appeals      | Authority to pursue actions to the European Court of Justice or the European Court of Human Rights   | Pursuit of all appeals against any action of the Council taken (or omitted to be taken) under the Planning Acts or authorisation of any appeal (or any process having the effect of an appeal) by the Council (whether to the Supreme Court or other Tribunal) against or in respect of any action taken (or any omission to so act) by any competent authority pursuant to or in connection with the Planning Acts. | Authority to initiate Judicial Review proceedings (unless such action constitutes any of the actions referred to in Regulation 2 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 and is therefore not the responsibility of the Executive). |

| Action   | Reserved to Council | Reserved to Committee  | Reserved to Executive  |
|----------|---------------------|--|--|
| Highways |                     | Authorisation of all actions to create, stop up, divert and protect footpaths and bridleways under the Highways Acts | Any other actions relating to Highways (whether under the Planning Acts or the Highways Act 1980 or otherwise) as are the function of the District Council but are not Reserved to Committee |

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### 3. Planning Committee Terms of Reference

| <u>Reserved to Committee</u>  |
|---|
| <p>1. To determine planning and related applications reserved to Planning Committee in accordance with current legislation, national and local planning policies in force at the time and other material considerations.</p> <p>2. In refusing a planning application, the Committee must ensure that all reasons for refusal are soundly based and capable of being defended by appropriate robust evidence at an appeal such that the Council could not be considered to have acted unreasonably by a Planning Inspector.</p> <p>3. To foster continual improvement by identifying policy issues that could be considered by the Planning Policy Advisory Group (PAG) in its role of advising the Cabinet Member for Planning and Sustainability.</p> |

## 2. Regulatory and Appeals Committee

| Action   | Reserved to Council   | Reserved to Committee  |
|--|---|--|
| <p>1. Licensing and registration functions</p> | <p>1. Major new policy initiatives<br/>2. Major new changes in established policies and practices<br/>3. Policy determination</p> | <p>1. Power to refuse to grant a licence in respect of a sexual entertainment venue, sex cinema or sex shop<br/>2. Power to refuse to renew a licence in respect of a sexual entertainment venue, sex cinema or sex shop<br/>3. Power to refuse to transfer a licence in respect of a sexual entertainment venue, sex cinema or sex shop<br/>4. Power to license pleasure boats and pleasure vessels<br/>4-5. <u>With regard to proposed Policy amendments, all matters where major amendments are required needing consultation be referred to the Committee prior to going out to consultation.</u><br/>5-6. To review and revise conditions to be attached to licences relating to taxis (hackney carriages) and private hire vehicles<br/>6-7. To consider and determine applications for additional taxi (hackney carriage) licences<br/>7-8. In relation to control of pollution, statutory nuisances and other environmental protection functions, the following matters:-</p> <ul style="list-style-type: none"> <li>• Determining an application from a person for a licence, approval, consent, permission or registration</li> <li>• Direct regulation of a person (with substantial discretion as to the regulatory action)</li> <li>• Enforcement of any such licence, approval, consent, permission or direct regulation, save as may be reserved to full Council or delegated to another Committee / Sub-Committee or officer.</li> </ul> |

| Action  | Reserved to Council   | Reserved to Committee  |
|---|---|--|
| 2. Electoral matters  | <ol style="list-style-type: none"> <li>1. Duty to appoint an electoral registration officer</li> <li>2. Duty to appoint returning officer for local government elections</li> <li>3. Duty to divide constituency into polling districts</li> <li>4. Power to divide electoral divisions into polling districts at local government elections</li> <li>5. 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</li> </ol> | <ol style="list-style-type: none"> <li>1. Duty to assign officers in relation to requisitions of the registration officer</li> <li>2. Functions in relation to parishes and parish councils</li> <li>3. Power to pay expenses properly incurred by electoral registration officer</li> <li>4. Power to determine fees and conditions for supply of copies of, or extracts from, elections documents</li> <li>5. Power to appoint persons to fill parish council vacancies until other councillors are elected and take up office and to take any other action which appears to them necessary or expedient for the proper holding of an election or properly constituting a parish council</li> <li>6. Electoral arrangements for parish councils</li> <li><del>6-7.</del> <u>Matters not by law the responsibility of the Returning Officer or Electoral Registration Officer or otherwise stated to be non executive functions.</u></li> </ol> |
| 3. Functions relating to name and status of areas and individuals | <ol style="list-style-type: none"> <li>1. Power to change the name of the district</li> <li>2. Power to confer title of Honorary Alderman</li> <li>3. Power to petition for a charter to confer borough status</li> </ol>   | <ol style="list-style-type: none"> <li>1. Power to make initial approach in connection with proposal to confer status of Honorary Alderman</li> <li>2. Power to change the name of a parish</li> </ol>   |
| 4. Miscellaneous functions  | <ol style="list-style-type: none"> <li>1. Power to make standing orders</li> <li>2. Power to make standing orders as to contracts</li> </ol>  | <ol style="list-style-type: none"> <li>1. Power to make payments or provide other benefits in cases of maladministration etc.</li> <li>2. To make casual appointments to outside bodies in relation to any functions within the Council's responsibility</li> <li>3. To undertake any functions required in respect of local government pensions under the Superannuation Acts</li> <li>4. Any other non-executive functions (including where appropriate</li> </ol>   |

| Action     | Reserved to Council | Reserved to Committee  |
|------------|---------------------|--|
|            |                     | recommendations to Council) which are not reserved to any other Committee / Sub-Committee or delegated to officers.  |
| 5. Appeals |                     | <p>To hear and determine, in accordance with the Committee's Appeals Protocol, the following matters:-</p> <ul style="list-style-type: none"> <li>(i) any appeal against the refusal to grant a street trading consent</li> <li>(ii) any appeal against an applicant's assessed financial contribution towards the cost of works to be carried out under the renovation grant scheme</li> <li>(iii) any appeal by a member of the Council's staff who has been issued with a final written warning or has been dismissed</li> <li>(iv) any appeal against the refusal of registration as a door supervisor</li> <li>(v) Appeals by market traders under the Market Regulations.</li> </ul> <p><b>N.B. Any matter under (i) to (v) and (vii) above will be heard by an Appeals Panel comprising three Members of the Committee; any appeal under (vi) above will be heard by an Appeals Panel comprising two Members of the Committee and a representative of the local entertainments industry</b></p> <p><del>Determinations of applications relating to land under the control of the Planning Committee or the Planning and Sustainability Service</del></p> <p><del>Determination of any application (after initial consideration by the Planning Committee) which in the opinion of the Head of Planning and Sustainability after consultation with the Chairman of the Planning Council would, if determined by that Committee in the manner in which that Committee would wish to see it determined:</del></p> <ul style="list-style-type: none"> <li><del>• expose the Council to a substantial risk of incurring or being ordered to pay substantial costs</del></li> <li><del>• be both substantially inconsistent with adopted or emerging planning or other policies or programmes and would compromise</del></li> </ul> |

| Action   | Reserved to Council                           | Reserved to Committee   |
|--|---|---|
|  |   | <del>the future application or implementation of those policies or programmes</del>   |
| 6. Monitoring, review and revision of the Constitution | 1. Approval of changes                        | Recommendations for changes.  |
| 7. Health and Safety at Work                           |   | Health and Safety at Work - any functions allocated as non- executive in relevant legislation to the extent that they are not reserved to full Council or delegated to another Committee / Sub-Committee or to officers.  |
| 8. Members' allowances                                 | 1. Adoption of scheme of Members' allowances. | Members' allowances - to deal with appointment of independent remuneration Panel; initial consideration of the Panel's report and recommendation to Council in light of report.   |
| <del>9. Electoral Matters</del>                        |   | <del>Matters not by law the responsibility of the Returning Officer or the Electoral Registration Officer or otherwise stated to be non-executive functions.</del>  |
| <u>9. Planning Applications</u>                        |   | <p><u>Determination of any application (after initial consideration by the Planning Committee) which in the opinion of the Head of Planning and Sustainability after consultation with the Chairman of the Planning Council would, if determined by that Committee in the manner in which that Committee would wish to see it determined:</u></p> <ul style="list-style-type: none"> <li><u>• expose the Council to a substantial risk of incurring or being ordered to pay substantial costs</u></li> <li><u>• be both substantially inconsistent with adopted or emerging planning or other policies or programmes and would compromise the future application or implementation of those policies or programmes</u></li> </ul> |

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**NOTES**

1. Members of the Regulatory and Appeals Committee may not also be Members of Personnel and Development Committee.



#### 4. Standards Committee

| Subject                     | Reserved to Council   | Reserved to Committee   |
|-----------------------------|---|---|
| Standards of Conduct        | Major changes to Codes of Conduct and Procedures affecting District Council Members and Officers. | <ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by the Members and co-opted Members of Wycombe District Council.</li> <li>2. To assist Members and co-opted Members of the District Council to observe the Council's Code of Conduct.</li> <li>3. To advise the District Council on the adoption or revision of a Code of Conduct.</li> <li>4. To monitor the operation of the District Council's Code of Conduct, having regard to any national or local guidance.</li> <li>5. To consider and grant dispensations in respect of Member interests as provided in the Localism Act 2011.</li> </ol> |
| Training                    |   | <ol style="list-style-type: none"> <li>6. To advise, train or arrange the training of Members and Co-opted Members of the District Council on matters relating to the authority's Code of Conduct</li> </ol>  |
| Investigation of complaints |   | <ol style="list-style-type: none"> <li>7. To consider any matters referred to it by the Monitoring Officer (delegated to ad hoc Hearings Panel).</li> </ol>   |
| Parishes                    |   | <ol style="list-style-type: none"> <li>8. To discharge the functions in 1 to 4 above in relation to Parish Councils within the area of the Wycombe District.</li> </ol>   |
| Officers                    |   | <ol style="list-style-type: none"> <li>9. To advise the Council on the adoption or revision of Codes of Conduct.</li> </ol>   |

- Note:**
1. The Committee may call upon any Member or Officer to assist with its work.
  2. Membership to be made up as follows:- 8 Councillors in accordance with political balance, and including one Member of the Cabinet.
  3. Standing Deputies are permitted for this Committee, in accordance with Standing Orders (reference SO 22.2) and subject to appropriate training having been completed.
  4. The Council may appoint up to 2 Independent Persons whose views must be sought before a decision is made on any matter that it has been decided to investigate. Independent Persons are not Members of the Committee and have no voting rights.

Parish Councils may nominate a maximum of 3 Parish Councillors to be co-opted as non-voting Members of the Committee.

#### 4. Audit Committee

| Subject                                  | Reserved to Council  | Reserved to Committee  |
|--|--|--|
| 1. Membership and attendance at meetings | (a) Appointment of Members in accordance with Standing Orders<br><br>(b) Appointment for a period not exceeding 2 years of one external co-optee, ideally Finance Director from another large public organisation such as Bucks College or Bucks NHS Trust. This co-optee will not have voting rights. |  |
| 2. Frequency of meetings                 |  | Meetings shall be held not less than four times a year or more frequently as circumstances require. The <del>E</del> external <del>A</del> auditors, <del>and</del> the Head of Finance <del>&amp;and</del> Commercial <u>and the Audit, Risk and Fraud Manager</u> may request a meeting with the Committee or its Chairman if they consider that one is necessary, at least once a year, without the presence of a Corporate Director, the Committee shall meet respectively with the external auditors and with the Head of Finance and Commercial. |
| 3. Authority                             |  | <ol style="list-style-type: none"> <li>1. Investigation of any activity within its terms of reference.</li> <li>2. Seeking any information that it requires from any employee and</li> <li>3. Obtaining outside legal or other independent professional advice.</li> </ol>   |

| Subject                          | Reserved to Council | Reserved to Committee   |
|----------------------------------|---------------------|---|
| 4. Duties External Audit         |                     | <ol style="list-style-type: none"> <li>1. Discussing with the external auditors the nature and scope of the audit;</li> <li>2. Reviewing and considering the results of the external audit, its cost effectiveness and the audit fee;</li> <li>3. Considering communications from the external auditors on audit planning and findings and on material weaknesses in accounting and internal control systems that came to the auditors' attention;</li> <li>4. Reviewing and discussing with management and auditors the annual financial statements before submission to the Cabinet and Full Council focussing particularly on: i) the quality and acceptability of accounting policies and practices and financial reporting disclosures; ii) areas involving significant judgement estimation or uncertainty; iii) compliance with financial reporting standards and relevant governance reporting requirements; iv) material misstatements detected by the auditors that individually or in aggregate have not been corrected and management's explanations as to why they have not adjusted; v) the basis for the going-concern assumption.</li> <li>5. Discussing any difficulties, reservations or matters arising from the external auditors' audits (in the absence of officers where necessary)</li> <li>6. Reviewing the external auditor's management letter and officers' responses;</li> </ol> |
| <u>Values of Good Governance</u> |                     | <p><u>Knowledge of the Seven Principles of Public Life.</u></p> <p><u>Knowledge of the authority's key arrangements to uphold ethical standards for both members and staff.</u></p> <p><u>Knowledge of the whistleblowing arrangements in the authority.</u></p>  |

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| Subject              | Reserved to Council | Reserved to Committee  |
|----------------------|---------------------|--|
| Corporate Governance |                     | Reviewing the Council's framework for Corporate Governance and its compliance with the six principles as defined in the 2012 addendum to the CIPFA/SOLACE Framework 'Delivery Good Governance in Local Government' |

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<sup>1</sup> Good governance means: 1. Focussing on the purpose of the authority and outcomes for the Community and creating and implementing a vision for the local area. 2. Members and officers working together to achieve a common purpose with clearly defined functions and roles. 3. Promoting values for the authority and demonstrating the values of good governance through upholding high standards of conduct and behaviour. 4. Taking informed and transparent decisions which are subject to effective scrutiny and managing risk. 5. Developing the capacity and capability of members and officers. 6. Engaging with local people and other stakeholders to ensure robust public accountability.

| Subject        | Reserved to Council | Reserved to Committee  |
|----------------|---------------------|--|
| Internal Audit |                     | <ol style="list-style-type: none"> <li data-bbox="840 359 1796 480">1. Considering any necessary disclosure implications of the process that has been applied by the Cabinet to deal with material internal control or risk management aspects of any significant problems disclosed in the annual reports and accounts;</li> <li data-bbox="840 496 1796 617">2. Reviewing and discussing with the Head of Finance and Commercial the scope of work of the internal audit and risk management function, its plans, the issues identified as a result of its work and how management is addressing these issues;</li> <li data-bbox="840 633 1796 694">3. Ensuring that the function is adequately resourced and has appropriate authority and standing within the authority;</li> <li data-bbox="840 710 1796 770">4. Reviewing Co-ordination between the internal and external auditors and Risk Management Service;</li> <li data-bbox="840 786 1796 847"><del>5. Periodically reviewing the terms of reference of the Internal Audit and Risk Management function;</del></li> <li data-bbox="840 863 1796 924"><u>5. Periodically review compliance with Public Sector Internal Audit standards which outlines the remit for an effective Internal Audit service</u></li> <li data-bbox="840 940 1796 1061">6. Considering the major findings of any relevant risk assessments, internal investigations into control weaknesses, fraud or misconduct and management's response (in the absence of management where necessary);</li> <li data-bbox="840 1077 1796 1230">7. Considering the objectives of non-financial audits or consultancy work on internal controls or risk management provided by external review agencies. Also to review the remuneration for this work and ensure there are no conflicts of interest within the organisation or with the external auditors.</li> <li data-bbox="840 1246 1796 1335">8. Considering the objectives and scope of any additional work undertaken by the internal auditors to ensure there are no conflicts of interest and the independence not comprised;</li> </ol> |

| Subject                | Reserved to Council   | Reserved to Committee   |
|------------------------|---|---|
|                        |   | <p>9. Considering the disclosure about the role of the Audit Committee included in the annual report;</p> <p>10. Considering other topics such as the Council's policies for preventing or detecting fraud, its Code of Conduct / ethics and the policies that the Council complies with relevant regulatory and legal requirements and in particular overseeing the work of the <del>corporate</del> <del>unter benefit</del> fraud service and considering policy changes thereto;</p> <p>11. Consider the annual internal audit opinion and report which provides an overall opinion on the adequacy and effectiveness of the Council's framework and governance, risk management and control. <del>prior to its signature by the Leader of the Council and Chief Executive.</del></p> |
| <u>Risk Management</u> |   | <p><u>Understanding of the principles of risk management, including linkage to good governance and decision making.</u></p> <p><u>Knowledge of the risk management policy and strategy of the organisation.</u></p> <p><u>Understanding of risk governance arrangements, including the role of Members and of the Audit Committee</u></p>   |
| <u>Counter Fraud</u>   |   | <p><u>An understanding of the main areas of fraud risk the organisation is exposed to.</u></p> <p><u>Knowledge of the principles of good fraud risk management practice (with reference to CIPFA's Managing the Risk of Fraud and Corruption)</u></p> <p><u>Knowledge of the organisation's arrangements for tackling fraud</u></p>   |
| Health and Safety      | Approval of changes on recommendation of Regulatory and Appeals Committee | Maintaining an overview of the Council's framework for Health and Safety in its capacity as employer or regulator for consideration by Cabinet or Regulatory and Appeals Committee as appropriate;  |
| Terms of Reference     | Approval of changes   | Reviewing and updating its own terms of reference and at appropriate intervals, evaluating its own performance against its terms of reference and best practice;  |

| <b>Subject</b>             | <b>Reserved to Council</b> | <b>Reserved to Committee</b>   |
|----------------------------|----------------------------|--|
| Statement of Accounts      |                            | Approval of the Authority's Statement of Accounts, income and expenditure and balance sheet or record of receipts and payments (as the case may be). |
| Treasury and Management    |                            | Ensuring effective scrutiny of the Council's treasury management strategy and policies.  |
| Key Performance Indicators |                            | Analysing of Key Performance Indicators and Identification of Actions Required.  |

## 6. Personnel and Development Committee

| Subject                 | Reserved to Council   | Reserved to Committee   |
|-------------------------|---|---|
| 1. Staffing policy      | Major changes / new policies  | To develop and review a human resource and human resource development strategy.<br>Conditions of service for all/majority of staff. |
| 2. Appointment of Staff | <ol style="list-style-type: none"> <li>1. Appointment of Head of the Paid Service, Monitoring Officer and Head of Finance and Commercial</li> <li>2. Appointment of Members to first tier appointment or dismissal committees in accordance with Standing Orders</li> </ol> |   |
| 3. Officer Structure    | <ol style="list-style-type: none"> <li>1. Organisational Structure at first tier level</li> </ol>   |   |
| 4. Member Development   | Member Development Strategy   | Development Programme   |

### NOTES

1. A Member of Personnel and Development Committee may not be a Member of Regulatory and Appeals Committee.



## 7. Joint Staff Committee

| Subject                            | Reserved to Council  | Reserved to Personnel and Development Committee                        | Reserved to Committee   |
|------------------------------------|--|--|---|
| 1. Overall remit of the Committee  |  |  | To ensure that staff and Members have the opportunity to discuss and be consulted on <del>the development and management of people</del> <u>personnel management including</u> policies and practices in line with legal requirements. <del>and the Best Value review of Personnel as adopted by the Regulatory and Appeals Committee on 4 March 2003</del> |
| 2. Membership                      | <ol style="list-style-type: none"> <li>1. Appointment of Council representatives (membership shall not include serving members of Regulatory and Appeals Committee)</li> <li>2. Appointment of Chairman</li> <li>3. Determination of numbers of members</li> </ol> |  | Appointment of Vice Chairman from staff representatives   |
| 3. Reporting method                | Consideration of recommendation as necessary   | Consideration of minutes and recommendations to Council as appropriate | Presentation of minutes by the Chairman at Personnel and Development Committee  |
| 4. Terms and conditions of service | Major changes to or new policies   | Conditions of service for all or a majority of staff                   | <ol style="list-style-type: none"> <li>1. Recommendations as to the application of the National Scheme of Conditions of Service that still apply</li> <li>2. Recommendations as to local terms and conditions</li> </ol>  |

| Subject                   | Reserved to Council   | Reserved to Personnel and Development Committee   | Reserved to Committee  |
|---------------------------|---|---|--|
| 5. Other staffing matters |   |   | <ol style="list-style-type: none"> <li>1. To discuss any issues affecting staff within the Council <u>including but not limited to working arrangements, policies and procedures, terms and conditions of employment, equality issues, staff welfare, learning and development etc. Any matters concerning an individual such as excluding individual discipline, pay, capability, promotion, redundancy, job evaluation/grading issues or efficiency matters are not within the scope of this Committee.</u></li> <li>2. To make recommendations to the Personnel and Development Committee on any staffing matter</li> </ol> |
| 6. Consultation           | <ol style="list-style-type: none"> <li>1. The right to seek the views of the Joint Staff Committee on major new initiatives</li> <li>2. Approval of any request for referral to the South East Employers Organisation (SEEMP), the Arbitration and Conciliation Service (ACAS) or the Employers Organisation</li> </ol> | <ol style="list-style-type: none"> <li>1. Referral of any issues to the Joint Staff Committee requesting a view</li> <li>2. Initial consideration of any request for referral to the SEEMP, ACAS or the Employers Organisation</li> </ol> | <ol style="list-style-type: none"> <li>1. To consider any issue referred to it by the Council, the Cabinet, a Committee or a recognised staff representative</li> <li>2. To request referral of a specific issue (of more than local interest) to the SEEMP</li> </ol>   |
| 7. Resolution of disputes | <p>By referral</p> <ol style="list-style-type: none"> <li>1. to the South East Employers Organisation in accordance with the constitution of that body or</li> <li>2. by external conciliation</li> </ol>   | <p>Formal recommendation to Council</p>   | <p>Initial consideration of any requests for external resolution of disputes</p>   |

| Subject     | Reserved to Council | Reserved to Personnel and Development Committee  | Reserved to Committee                |
|-------------|---------------------|--|--------------------------------------|
| 8. Meetings |                     | Annual timetable of meetings to include one meeting of Joint Staff Committee per committee cycle | Other meetings as shall be necessary |

### Notes

1. To qualify for a place on the Committee, officers must represent a minimum of 25 members of other staff
2. Membership shall initially be 5 councillors and 5 staff representatives. At least 2 representatives of Personnel and Development Committee shall be members of the Joint Staff Committee. *The Head of HR, ICT and Shared Support Services shall be in attendance to advise and other officers of the Council, as appropriate.*
3. A quorum shall be 3 representatives from both sides
4. The Branch Secretary and/or an official of UNISON or any other trade union as is recognised may be invited to attend the Committee in an advisory and ex-officio capacity but without voting rights
5. The Chief Executive or his representative may be invited to attend the Committee in an advisory and ex-officio capacity but without voting rights
- ~~6. The Head of Human Resources, Information Communications Technology and Shared Support Services will advise the Committee as required and shall attend meetings if requested to do so by the Chairman or Vice Chairman~~
- ~~7.6.~~ No ~~resolution or~~ recommendation shall be agreed unless it is agreed by a majority of both each side
- ~~8.7.~~ The Joint Staff Committee shall not arrive at any recommendation that conflicts with the policies of either the Council or the South East Employers Organisation

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## 8. Disciplinary Committee

| Subject                           | Reserved to Council  | Reserved to Committee   |
|-----------------------------------|--|---|
| 1. Overall remit of the Committee | Terms of reference   | <ol style="list-style-type: none"> <li>1. To consider whether any allegation made is sufficiently well founded and serious in content to justify a formal disciplinary investigation</li> <li>2. To appoint an Investigating Officer to conduct an investigation</li> <li>3. To receive the report of the Investigating Officer</li> <li>4. To undertake disciplinary hearings and to determine a course of action (up to and including dismissal)</li> </ol> |
| 2. Membership                     | Categories of Members - currently <ol style="list-style-type: none"> <li>(a) Chairman or past Chairman of the Council</li> <li>(b) A Member of the Cabinet</li> <li>(c) A Leader or Deputy Leader of an opposition Party</li> <li>(d) The Chairman of a Council Committee</li> <li>(e) The Vice-Chairman of a Council Committee</li> <li>(f) A Member of the Personnel and Development Committee</li> <li>(g) Another Back Bench Member</li> </ol> |   |

## 8. High Wycombe Town Committee

| Subject                           | Reserved to Council  | Reserved to Cabinet   | Reserved to Committee   |
|-----------------------------------|--|---|---|
| 1. Overall remit of the Committee | Decisions in respect of non-executive functions  | Decisions in respect of executive functions   | To consider and advise the Council, the Cabinet or relevant Committee on any issues affecting the High Wycombe Town Area  |
| 2. Membership                     | 1. Appointment of Committee (membership is restricted to those 23 Members representing High Wycombe town wards – see note 1 below)<br>2. Appointment of Chairman and Vice Chairman |   |   |
| 3. Reporting method               | Consideration of recommendations as necessary  | Consideration of any recommendations relating to executive functions                | Presentation of minutes to full Council or recommendations to Cabinet or any other relevant Committee   |
| 4. Consultation                   | The right to seek the views of the Committee on any non-executive functions  | Referral of any executive issue to the Committee for advice or expression of a view | 1. To consider any issue referred to it by the Council, the Cabinet, or a Committee<br>2. To initiate consideration of any issue, which in the opinion of the Chairman, or at least 5 members of the Committee, is of particular relevance / importance to the residents of High Wycombe town |

| Subject                   | Reserved to Council   | Reserved to Cabinet   | Reserved to Committee  |
|---------------------------|---|---|--|
| 5. Special Expenses       | Determination of which services should be deemed a Special Expense  | <ol style="list-style-type: none"> <li>1. Recommendations as appropriate as to which services should be deemed a Special Expense</li> <li>2. Recommendation as to the amount required to be raised for Special Expenses purposes</li> </ol> | <ol style="list-style-type: none"> <li>1. Recommendations to the Cabinet / full Council as to which services should be deemed a Special Expense</li> <li>2. The right to be consulted on any scheme or proposal that would alter significantly the level of Special Expenses</li> <li>3. To recommend to Cabinet each year the amount required to be raised for Special Expenses purposes</li> </ol> |
| 6. Service provision      |   | Major decisions in respect of executive functions   | <ol style="list-style-type: none"> <li>1. To monitor and review those services provided under Special Expenses and make any recommendations for change or improvement to the Cabinet, appropriate Committee or <del>Head of Service. Corporate Director</del></li> <li>2. <del>Membership of any relevant Best Value Challenge team</del></li> </ol>   |
| 7. Resolution of disputes | Determination of matter in dispute having considered the views of the High Wycombe Town Committee and other relevant committees | In accordance with the Policy and Budget framework procedure  | <ol style="list-style-type: none"> <li>1. Request for relevant process to be initiated in respect of executive functions</li> <li>2. Recommendation to Council in respect of non-executive functions</li> </ol>  |
| 8. Meetings               |   | Annual timetable of meetings to include one meeting of High Wycombe Town Committee per committee cycle  | Other meetings as shall be necessary shall be called by the Chairman of the Committee or upon the request of at least 5 members of the Committee   |

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#### Notes

1. Membership of the Committee is restricted to those Members representing the following wards: Abbey, Booker and Cressex, Bowerdean, Disraeli, Micklefield, Oakridge and Castlefield, Ryemead, Sands, Terriers and Amersham Hill, Totteridge
2. The Committee is an advisory body and does not have decision making powers in respect of either executive or non-executive functions

## 10. Licensing Committee – A. Licensing Act 2003

| Matter to be dealt with                                      | Council                              | Licensing Committee                       | Licensing Sub-Committee  | Head of Environment          |
|--|--------------------------------------|---|--|------------------------------|
| Review Licensing Policy                                      | All cases                            | Recommendation to Council                 |  |                              |
| Deal with Policy Issues                                      | All cases                            | Recommendation to Council                 |  |                              |
| Matters of Cumulative Impact                                 | When referred by Licensing Committee | All cases except when referred to Council |  |                              |
| Determination of Fees  | When referred by Licensing Committee | All cases except when referred to Council |  |                              |
| Determination of an application for a Temporary Event Notice |                                      |   | Where a representation is made unless all parties agree that no hearing is necessary                                 | All other cases              |
| Application for personal licence                             |                                      |   | Where a police representation is made in relation to an unspent conviction for a relevant offence or foreign offence | If no representation is made |
| Application for premises licence/club premises certificate   |                                      |   | If a representation is made  | If no representation is made |
| Application for provisional statement                        |                                      |   | If a representation is made  | If no representation is made |

| <b>Matter to be dealt with</b>   | <b>Council</b> | <b>Licensing Committee</b> | <b>Licensing Sub-Committee</b>     | <b>Head of Environment</b>   |
|--|----------------|----------------------------|------------------------------------|------------------------------|
| Application to vary premises licence/club premises certificate                           |                |                            | If a representation is made        | If no representation is made |
| Application to vary designated personal licence holder                                   |                |                            | If a police representation is made | If no representation is made |
| Request to be removed as designated personal licence holder                              |                |                            |                                    | All cases                    |
| Application for transfer of premises licence   |                |                            | If a police representation is made | If no representation is made |
| Decision of whether a representation is vexatious, frivolous or irrelevant               |                |                            |                                    | All cases                    |
| Application for interim authority  |                |                            | If a police representation is made | If no representation is made |
| Decision whether to consult other responsible authorities on Minor Variation application |                |                            |                                    | All Cases                    |
| Determination of a Minor Variation application   |                |                            |                                    | All Cases                    |



| <b>Matter to be dealt with</b>  | <b>Council</b> | <b>Licensing Committee</b> | <b>Licensing Sub-Committee</b> | <b>Head of Environment</b> |
|---|----------------|----------------------------|--------------------------------|----------------------------|
| Application to review premises licence/club premises certificate  |                |                            | All cases                      |                            |
| Approval of plans which do not comply with statutory scale  |                |                            |                                | All cases                  |
| Decision to impose conditions on a premises licence / club premises certificate in relation to the Live Music Act 2012 following a review hearing |                |                            | All cases                      |                            |
| Decision to impose interim sanctions in accordance with s.53A-C of the Act  |                |                            | All cases                      |                            |

## Licensing Committee – B. Gambling Act 2005

| Matter to be dealt with  | Council   | Committee | Licensing Sub-Committee  | Head of Environment              |
|--|-----------|-----------|--|----------------------------------|
| Preparation, publication and review of a Statement of Principles   | All cases |           |  |                                  |
| Resolution not to issue casino premises licences   | All cases |           |  |                                  |
| Consideration of Policy Issues   |           | All cases |  |                                  |
| Fee Setting  |           | All cases |  |                                  |
| Application for a Premises Licence / Provisional Statement<br>and<br>Application for Club Gaming / Club Machine Permits<br>and<br>Application for a variation to a licence |           |           | If a representation made and not withdrawn, or<br><br>where conditions are proposed to be attached or default conditions excluded under s.169(1) of the Act and the parties have not agreed to dispense with the requirement for a hearing | All other cases                  |
| Application for a transfer of licence  |           |           | If representation received from the Gambling Commission  | Where no representation received |
| Determination of a review of a premises licence  |           |           | All cases  |                                  |
| Cancellation of Club gaming / Club Machine Permits   |           |           | All cases  |                                  |
| Applications for other permits   |           |           |  | All cases                        |

| Matter to be dealt with  | Council | Committee | Licensing Sub-Committee | Head of Environment |
|--|---------|-----------|-------------------------|---------------------|
| Cancellation of Licensed premises gaming machine permits                   |         |           |                         | All cases           |
| Consideration of Temporary Use Notices                                     |         |           |                         | All cases           |
| Decision to give a Counter Notice to a Temporary Use Notice                |         |           | All cases               |                     |
| Decision on whether a representation is irrelevant frivolous vexatious etc |         |           |                         | All cases           |
| Decision to make representations as licensing authority                    |         |           |                         | All cases           |
| Decision to propose additional conditions/remove default conditions        |         |           |                         | All cases           |
| Decision to apply for a review of a premises licence                       |         |           |                         | All cases           |

## 10. JNC Officer Selection Committee

| Subject                           | Reserved to Council   | Reserved to Cabinet | Reserved to Committee   |
|-----------------------------------|---|---------------------|---|
| 1. Overall Remit of the Committee | Terms of Reference  |                     | To undertake the appointment <u>process</u> of <u>all</u> first tier officers and second tier officers <u>and report to Council by way of the Minutes of meetings the appointments made. if the Council so desires.</u> |
| 2. Membership                     | To select 5 members from the eight categories listed to form the Committee subject to two or more political groups always being represented, and to the inclusion of at least one Cabinet Member. |                     |   |

## THE BUCKS JOINT COMMITTEE ON WASTE – TERMS OF REFERENCE

### General

A joint committee established by Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council (“the participating Councils”) to facilitate the effective planning and delivery of municipal waste management functions and services in Buckinghamshire in accordance with the principles and aims and objective of the Joint Waste Strategy for Buckinghamshire through consultation, co-operation, partnership and joint procurement or joint service delivery.

### Membership, Chairmanship and Quorum

|                                     |  |
|-------------------------------------|--|
| Number of Members                   | Ten – two from each of the participating Councils  |
| Substitute Members Permitted        | Members have the right to appoint standing deputies with the same rights as the class of member who appointed them by giving notice to that effect to the Secretary to the Joint Committee, subject to the qualification that members who are Cabinet / Executive members of a participating Council may only appoint as a standing deputy another member of the Cabinet / Executive of which they are a member. |
| 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 whose is a Cabinet / Executive member of a participating Council, 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                       | <p>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.</p> <p>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.</p>   |
| Restrictions on Chairmanship / Vice-Chairmanship | Chairman must be a member of the Cabinet / Executive of one of the participating Councils  |
| Restrictions on Voting                           | Only the Cabinet / Executive members with portfolio responsibility for waste related functions (or their duly appointed standing deputies) shall be entitled to vote.  |
| Quorum   | Three  |
| Number of ordinary meetings per Council Year     | Minimum of three   |

## Terms of Reference

To exercise the following duties and powers in relation to municipal waste management functions (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):-

1. To be responsible for the development, implementation and review of municipal waste management strategies and policies for Buckinghamshire, particularly the Bucks Joint Waste Strategy and any Waste Recycling Plans.
2. To be responsible for monitoring the achievement of Best Value or other central government Performance Indicators relating to municipal waste management functions and services
3. In so far as permitted by law to approve local waste minimisation and other relevant municipal waste management targets and be responsible for monitoring the achievement of such targets.
4. To approve Service Delivery Plans and Service Standards relating to municipal waste management functions and services
5. To be responsible for the procurement of works supplies and services in connection with municipal waste management functions and services, including without limitation, contracts for the collection, recycling and disposal of household and commercial waste, the collection and disposal of clinical waste, the recovery and sale of paper, glass plastics and other recyclable materials, the provision of bring sites, the management and operation of waste transfer stations and final deposit sites, the collection and disposal of abandoned vehicles, the arrangements for the removal and disposal of fly-tipped waste and the arrangements for street cleansing, litter bin emptying and keeping other relevant land of the participating Councils clean and clear of litter and refuse .
6. To provide strategic management and direction to staff directly employed in the delivery of municipal waste management functions and services
7. To prudently manage the financial resources made available to it by the participating Councils and to exercise any matters falling within these terms of reference within those resource constraints
8. To exercise any other functions in relation to municipal waste management from time to time delegated to it

## 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.

## THE CHILTERN CREMATORIUM JOINT COMMITTEE – TERMS OF REFERENCE

### 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").

### 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 office 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     |

### **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 (as amended) and all other powers in this

behalf, 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.

### **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. Specific Decisions reserved to individual Cabinet Members

~~Cabinet Members shall make all non-key decisions within their area of responsibility unless delegated elsewhere in the Constitution. The Cabinet Member may choose to refer the decision to the Cabinet as a whole if he/she feels that it is a decision better made by the Cabinet collectively. If the relevant Cabinet Member is not available or unable to exercise this delegated authority at the appropriate time, the Leader of the Council, or in his/her absence, the Deputy leader of the Council, may then take the decision.~~

~~(The areas of responsibility for each Individual Cabinet Member is set out in the Structure Chart at Part 6 of the Constitution,~~

~~For general powers see a) above~~

~~It should be noted that specific decisions are delegated as shown where decisions are not reserved to full Cabinet or are not reserved to full Council. Authorised action includes authority to approve expenditure and income proposals within the designated action areas provided they are within the budget provision allocated to the relevant Cabinet Member, are within the approved policy framework and consistent with Contract Standing Orders, Financial Regulations and the general delegations in a) above~~

### ~~Executive Leader (or Deputy executive Leader of the Council if the Executive Leader so decides or in the absence of the Executive Leader)~~

| <del>Subject</del>                        | <del>Action</del>  |
|---|--|
| <del>Sustainable Community Strategy</del> | <del>1.— Presentation to full Council as appropriate<br/>2.— Overview arrangements</del>     |
| <del>Overall political direction</del>    | <del>3.— Leadership<br/>4.— Presentation of policy framework proposals to full Council</del> |

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| <b>Subject</b>                               | <b>Action</b>  |
|--|--|
| Cabinet working                              | <del>5.— Direction, management and chairing of meetings</del><br><del>6.— Appointment and dismissal of Cabinet members (any such changes during the course of a year shall come into effect 2 working days after written notification is received by the proper officer)</del><br><del>7.— Allocation of Cabinet portfolios</del><br><del>8.— Determination of disputes between Cabinet Members</del>  |
| Budgets                                      | <del>9.— Allocation to individual portfolios</del><br><del>10.— Determination of budget priorities within Council approved limits</del><br><del>11.— Income targets for Cabinet Members</del><br><del>12.— Presentation of budget framework proposals to full Council</del><br><del>13.— Overview and review of the preparation of estimates and budgets for submission to Cabinet and full Council</del><br><del>14.— Treasury Management</del> |
| Capital Programme                            | <del>15.— Determination of action on priorities and slippage within overall approved programme</del>   |
| Special Expenses                             | <del>16.— Composition for agreement by full Council</del><br><del>17.— Assisting relevant Cabinet Members at meetings with High Wycombe Town Members</del>   |
| Economic, environmental or social well-being | <del>18.— Action or delegation as appropriate to individual Cabinet Members within budget and approved policy</del>  |
| Joint working                                | <del>19.— Leadership of local, regional, national, European and international joint working</del>  |

| <b>Subject</b>          | <b>Action</b>  |
|-------------------------|--|
|                         | <del>20.— Overall endorsement of the strategy to joint working with other bodies.</del>  |
| Performance monitoring  | <del>21.— Corporate monitoring and proposals for action</del>  |
| The Corporate Plan      | <del>22.— Overview and review<br/>23.— Presentation of programme to full Council</del>   |
| Community Planning      | <del>24.— Overview Arrangements</del>  |
| Staffing                | <del>25.— Membership of appointment panel for Head of Paid Service, Head of Finance and Commercial, Monitoring Officer and first tier officers in accordance with Standing Order 28.12</del> |
| Outside bodies          | <del>26.— Appointments to casual vacancies connected with executive functions covering the whole authority or outside the remit of individual portfolios</del>                               |
| Standards               | <del>27.— To ensure that appropriate action is taken on behalf of the Cabinet if required to do so by the Standards Committee</del>  |
| Schemes of delegation   | <del>28.— Scheme of delegation for executive functions to individual Cabinet Members and officers</del>  |
| Legal proceedings       | <del>29.— Authority to institute and progress to completion legal proceedings within the Cabinet's terms of reference</del>  |
| External Communications | <del>30.— Leadership of the Cabinet's external communications and of Council's when appropriate</del>  |

| <b>Subject</b>                            | <b>Action</b>   |
|---|---|
| Documentation                             | <p>31. <del>To ensure compliance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 relating to publicity in connection with the making of key decisions</del></p> <p>32. <del>To ensure that an annual Forward Plan is prepared and updated monthly, detailing the key decisions to be made over the following four months</del></p> |
| Major Projects                            | 33. <del>Leadership of high profile cross-cutting development initiatives</del>   |
| Local Government Associations             | 34. <del>To represent the Council on such Associations as are determined by the Council</del>   |
| Democratic, Elections, and Legal Services | 35. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Policy and Research                       | 36. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Emergency and Continuity Planning         | 37. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Wycombe Partnership                       | 38. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Design and Print                          | 39. <del>Leadership, development and review of the Council's work within the relevant aims and objectives.</del>  |
| Performance Indicators and Monitoring     | 40. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |

| <b>Subject</b> | <b>Action</b>  |
|----------------|--|
| Local Plan     | <p><del>41. The following is reserved to the Cabinet Member for Planning in consultation with the Leader of the Council:</del></p> <ul style="list-style-type: none"><li><del>— 1. Approval of main consultation documents</del></li><li><del>— 2. Full draft Plan for consultation</del></li></ul> <p><del>42. Approval of inter-authority or inter-agency agreements (e.g. memorandum of understandings)</del></p> |

### ~~Deputy Leader & Cabinet Member for Engagement & Strategy~~

| <del>Subject</del>  | <del>Action</del>   |
|---|---|
| <del>Acting on Behalf of Leader</del>   | <del>1. To deputise for the Executive Leader in his absence</del>   |
| <del>Promotion / Improvement of the Economic / Environmental / Social well-Being of the area Through The Council's Sustainable Community Strategy</del> | <del>2. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in the Leader's responsibilities set out above</del> |
| <del>Overall Strategy</del>   | <del>3. Formulation of Strategy for the Council</del>   |

### ~~Cabinet Member for Finance & Resources~~

| <del>Subject</del>  | <del>Action</del>   |
|---|---|
| <del>Promotion / Improvement of the Economic / Environmental / Social well-Being of the area Through The Council's Sustainable Community Strategy</del> | <del>1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above</del>                                    |
| <del>Audit and Risk Management</del>  | <del>2. Leadership, development and review of the Council's work within the relevant aims and objectives including the Annual Audit Management letter in consultation with the Chairmen of the Improvement and Review Commission and Audit Committee.</del> |
| <del>Financial Resources</del>  | <del>3. Leadership, development and review of the Council's work within the relevant aims and objectives, including Audit, Fraud, Procurement, Risk Management &amp; Revenues and Benefits.</del>   |

## Cabinet Member for Economic Development & Regeneration

| Subject  | Action  |
|--|---|
| Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy | 1. <del>Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above</del>  |
| Economic Development   | <del>2. Authorisation of action requiring expenditure provided it is within budget and policy</del><br><del>3. Leadership, development and review of the Council's work within the relevant aims and objectives</del><br><del>4. Preparation of annual work programme</del><br><del>5. Leadership of joint working with other appropriate agencies</del><br><del>6. Enabling and co-ordinating action including land and property acquisitions and disposals not exceeding £1,000,000 in consultation with other appropriate Cabinet Members.</del> |
| Economic Regeneration  | 7. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Strategic Sites (as landowner)   | 8. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Wealth creation / employment   | 9. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Town Centre Management   | <del>10. Leadership, development and review of the Council's work within the relevant aims and objectives</del><br><del>11. Preparation of annual work programme</del>  |



| <b>Subject</b>   | <b>Action</b>  |
|------------------|--|
| Asset Management | <del>12. Preparation and review of Asset Management Plan</del><br><del>13. Land and property acquisitions and disposal not exceeding £1,000,000 in value for which there is budget provision, in consultation with other appropriate Cabinet Members</del><br><del>14. Leadership, development and review of the Council's Investment Portfolio, including markets</del> |

### **Cabinet Member for Community**

| <b>Subject</b>   | <b>Action</b>  |
|--|--|
| Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy | <del>1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above</del> |
| Arts Development   | <del>2. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Indoor and outdoor recreation, play and sports services  | <del>3. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Community Safety / CCTV / ASB  | <del>4. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Prevent  | <del>5. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Grants and voluntary sector support  | <del>6. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |

| <b>Subject</b>                            | <b>Action</b>  |
|---|--|
| Open spaces, parks and woodlands          | 7. Leadership, development and review of the Council's work within the relevant aims and objectives. |
| Tourism and Information Centres           | 8. Leadership, development and review of the Council's work within the relevant aims and objectives. |
| Community Facilities                      | 9. Leadership, development and review of the Council's work within the relevant aims and objectives  |
| Burial and Cremation Services             | 10. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Health                                    | 11. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Equalities                                | 12. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Sports and Leisure Centres and Facilities | 13. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Local Cultural Strategy                   | 14. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Consultant and Engagement                 | 15. Leadership, development and review of the Council's work within the relevant aims and objectives |
| Localism (including Big Society)          | 16. Leadership, development and review of the Council's work within the relevant aims and objectives |

## Cabinet Member for Housing

| Subject                                       | Action  |
|---|---|
| Affordable Housing and Private Sector Housing | <ol style="list-style-type: none"><li>1. Leadership, development and review of the Council's private sector housing strategy and service delivery within the relevant aims and objectives</li><li>2. Development of the Council's policies to meet housing need and to address homelessness</li><li>3. Enabling and co-ordinating action including land and property acquisitions and disposals for housing purposes limited to £1,000,000 per individual project. An annual cumulative value for such actions to be limited to £2,000,000</li><li>4. Funding Housing Association schemes within budget and capital programme provision</li></ol> |
| Decent Homes                                  | <ol style="list-style-type: none"><li>5. Leadership, development and review of the Council's work within the relevant aims and objectives.</li></ol>  |
| Housing Options                               | <ol style="list-style-type: none"><li>6. Leadership, development and review of the Council's work within the relevant aims and objectives</li></ol>   |
| HMOs & landlords                              | <ol style="list-style-type: none"><li>7. Leadership, development and review of the Council's work within the relevant aims and objectives</li></ol>   |

## Cabinet Member for Environment

| Subject  | Action  |
|--|---|
| Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy | 1. <del>Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above</del>  |
| Food Hygiene   | 2. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Operational car parking  | 3. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Public Health and Safety, Environmental Services, Public Conveniences  | 4. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del><br>5. <del>Application of Council's policies within the policy framework and appropriate legislation</del><br>6. <del>Designation of land under Section 2—Dogs (Fouling of Land) Act 1996</del><br>7. <del>Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)</del> |
| Health promotion   | 8. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Control of Pollution   | 9. <del>Leadership, development and review of the Council's work within the relevant aims and objectives</del><br>10. <del>Application of Council's policies within the policy framework and appropriate legislation</del>  |

| <b>Subject</b>   | <b>Action</b>   |
|--|---|
|  | <del>11. Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)</del>              |
| <del>Waste Management and recycling</del>                          | <del>12. Leadership, development and review of the Council's work within the relevant aims and objectives</del> |
| <del>Sewerage Management, Land Drainage and Flood Prevention</del> | <del>13. Leadership, development and review of the Council's work within the relevant aims and objectives</del> |
| <del>Street Scene</del>  | <del>14. Leadership, development and review of the Council's work within the relevant aims and objectives</del> |

**~~Cabinet Member for Human Resources, Information Communications Technology and Shared Support Services~~**

| <b>Subject</b>  | <b>Action</b>  |
|---|--|
| <del>Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy</del> | <del>1. Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above</del> |
| <del>Human Resources</del>  | <del>2. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| <del>Facilities Management</del>  | <del>3. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| <del>Accountancy</del>  | <del>4. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |

| <b>Subject</b>             | <b>Action</b>  |
|----------------------------|--|
| Payroll                    | 5.— Leadership, development and review of the Council's work within the relevant aims and objectives |
| ICT, and Customer Services | 6.— Leadership, development and review of the Council's work within the relevant aims and objectives |
| Creditors and Debtors      | 7.— Leadership, development and review of the Council's work within the relevant aims and objectives |
| Processing & Admin         | 8.— Leadership, development and review of the Council's work within the relevant aims and objectives |

#### **Cabinet Member for Planning**

| <b>Subject</b>   | <b>Action</b>   |
|--|---|
| Promotion / improvement of the economic / environmental / social well-being of the area through the Council's Sustainable Community Strategy | 1.— Such responsibilities as the Cabinet or the Leader of the Council may specifically delegate within the confines of Contract Standing Orders, Financial Regulations and the general delegations in a) above  |
| Local Plan   | 2.— The following is reserved to the Cabinet Member for Planning in consultation with the Leader of the Council: <ul style="list-style-type: none"> <li>• Approval of main consultation documents</li> <li>• Full draft Plan for consultation</li> </ul> 3.— Approval of inter-authority or inter-agency agreements (eg memorandum of understandings) |
| Statement of Community Involvement   | 4.— Publication of draft Statement of Community Involvement for consultation  |

| <b>Subject</b>  | <b>Action</b>   |
|---|---|
| Local Development Scheme  | <del>5. Agree revised Local Development Scheme and to bring it into effect</del>  |
| Supplementary Planning Documents  | <del>6. Adoption of Supplementary Planning Document</del>   |
| Non-Statutory Guidance Documents  | <del>7. Adoption of Guidance</del>  |
| Community Infrastructure Levy (CIL) Charging Schedule                   | <del>8. Publication of preliminary draft CIL Charging Schedule for consultation</del>   |
| Planning Policy Advice  | <del>9. Leadership, development and review of the Council's work within the relevant aims and objectives</del>  |
| Infrastructure / Developer Contributions                                | <del>10. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Building Regulations  | <del>11. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Conservation/Heritage   | <del>12. Leadership, development and review of the Council's work within the relevant aims and objectives</del>   |
| Council Liaison with Bucks County Council Transportation & Public Realm | <del>13. Leadership, development and review of the Council's work within the relevant aims and objectives</del><br><del>14. Leading the Council's liaison with Bucks County Council transportation &amp; Public Realm</del> |
| Street Naming / Numbering   | <del>15. Application of Council's policies within the policy framework and appropriate legislation</del><br><del>16. Recommendations to Cabinet as appropriate (e.g. adoption of permissive legislation)</del>              |

| <b>Subject</b>  | <b>Action</b>   |
|---|---|
| <del>Climate Change</del>   | <del>17. Overall leadership, development and review of the Council's work</del>   |
| <del>Landscape/Tree advice</del>  | <del>18. Leadership, development and review of the Council's work.</del>  |
| <del>Neighbourhood Development Order and Neighbourhood Planning</del>     | <del>19. To determine whether to revoke by Order a Neighbourhood Development Order with the consent of Secretary of State.<br/>20. To co-ordinate Neighbourhood Planning pursuant to the Localism Act 2011<br/>21. To determine the extent of the area in which the Referendum is to be held.</del> |
| <del>Community Right To Build Order</del>                                 | <del>22. To determine whether to revoke by Order a Community Right to Build Order with the consent of the Secretary of State.<br/>23. To determine the extent of the area in which the Referendum is to be held.</del>  |
| <del>Urban Design</del>   | <del>24. Leadership, development and review of the Council's work</del>   |
| <del>Dangerous Structures, Demolitions and Safety At Sports Grounds</del> | <del>25. Leadership, development and review of the Council's work</del>   |
| <del>Rural Forum</del>  | <del>26. Leadership, development and review of the Council's work</del>   |



## Cabinet Member for Youth

| Subject  | Action  |
|--|---|
| Youth provision within the District of Wycombe | 1. To support the cabinet and portfolios on youth matters and to lead, develop and review the Council's work within the relevant aims and objectives. |

### Notes

1. Any action allocated to an individual may be exercised by the Leader of the Council or the Deputy Leader at the Leader's request
2. Any action reserved to the Leader may be exercised by the Deputy Leader at the Leader's request
3. Any decision permitted to be taken by an individual may be exercised by the Cabinet as a whole
4. The Cabinet Member may ask their Policy Advisory Group (if one is established)
5. No decision may be taken unless legal, financial and other appropriate officer advice has been sought
6. Contracts on behalf of the authority may not be entered into by an individual Member
7. No decision will be effective until it has been published (or otherwise authorised in appropriate cases) in accordance with the proper procedures
8. Implementation of any decision and day to day management are not functions to be exercised by the Cabinet or an individual Cabinet Member
9. Any function not specifically allocated to an individual Cabinet Member will be exercised by the Leader of the Council or the Deputy Leader of the Council in his/her absence or at his/her request.

## B - CABINET AND PORTFOLIO HOLDERS

### 1. Cabinet Terms Of Reference

It should be noted that authority relating to matters reserved to full Cabinet includes authority to incur expenditure and approve income within the overall budget and policy framework approved by full Council

#### (a) General

| Action  | Reserved to Council                 | Reserved to Cabinet   | Reserved to Individual Cabinet Member  | Delegated to Officers   |
|---|-------------------------------------|---|--|---|
| <del>Statutory Strategies and Plans including: The Sustainable Community Strategy Crime and Disorder Reduction Strategy</del> | 1. Approval of plans and strategies | Leading the process<br><br><u>Responding to other Bodies' Plans and Strategies which involve new policy positions for the Council</u> | Input relevant to his or her portfolio, <u>including consultation with other Cabinet Members and externally as necessary.</u><br><br><u>Responding to other Bodies' Plans and Strategies which relate to existing policy positions of the Council.</u> | Drafting and preparation for Cabinet or Cabinet Member<br><br><u>Responding to other Bodies' Plans and Strategies which require a technical/factual response.</u> |
| Non statutory strategies and plans  |                                     | <u>Leading the Process</u><br><br>Approval of any other non-statutory plans or strategies   | Input relevant to his or her portfolio <u>including consultation with other Cabinet Members and externally as necessary</u>  | Drafting and preparation for Cabinet or Cabinet Member  |

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| Action | Reserved to Council | Reserved to Cabinet  | Reserved to Individual Cabinet Member   | Delegated to Officers   |
|--------|---------------------|--|---|---|
|        |                     | <u>Responding to other Bodies' Plans and Strategies which involve new policy positions for the Council</u> | <u>Responding to other Bodies' Plans and Strategies which relate to existing policy positions of the Council.</u> | <u>Responding to other Bodies' Plans and Strategies which require a technical/factual response.</u> |

| Action     | Reserved to Council   | Reserved to Cabinet | Reserved to Individual Cabinet Member   | Delegated to Officers |
|------------|---|---------------------|---|-----------------------|
| Local Plan | <p>(recommendations from Cabinet):</p> <ol style="list-style-type: none"> <li>1. Publication of Proposed Submission Plan and its subsequent submission.</li> <li>2. Proposed pre-hearing changes recommended by the Council to the Inspector.</li> <li>3. Agreeing to publish post hearing modifications for consultation that are recommended by the Examination Inspector.</li> <li>4. Adoption of the Plan.</li> </ol> |                     | <p>The following is reserved to the Cabinet Member for Planning in consultation with the Leader of the Council:</p> <ol style="list-style-type: none"> <li>1. Approval of main consultation documents.</li> <li>2. Full draft Plan for consultation.</li> <li>3. Approval of inter-authority or inter-agency agreements (e.g. memorandum of understandings).</li> </ol> |                       |

| <b>Action</b>                      | <b>Reserved to Council</b>  | <b>Reserved to Cabinet</b> | <b>Reserved to Individual Cabinet Member</b>                             | <b>Delegated to Officers</b>   |
|------------------------------------|---|----------------------------|--|--|
| Statement of Community Involvement | (recommendations from Cabinet):<br>Adoption of Statement of Community Involvement |                            | Publication of draft Statement of Community Involvement for consultation |  |
| Local Development Scheme           |   |                            | Agree revised Local Development Scheme and to bring it into effect       |  |
| Supplementary Planning Documents   |   |                            | Adoption of Supplementary Planning Document                              | Publication of Draft Supplementary Planning Document for consultation – reserved to Head of Service in consultation with Cabinet Member for Planning |

| <b>Action</b>   | <b>Reserved to Council</b>  | <b>Reserved to Cabinet</b> | <b>Reserved to Individual Cabinet Member</b>                            | <b>Delegated to Officers</b>  |
|---|---|----------------------------|---|---|
| Non Statutory Planning documents                      |   |                            | Adoption of Guidance  | Publication of Draft non-statutory-guidance for consultation – reserved to Head of Service in consultation with the Cabinet Member for Planning |
| Community Infrastructure Levy (CIL) Charging Schedule | (recommendations from Cabinet):<br>1. Publication and submission of draft CIL Charging Schedule<br>2. Adoption of Charging Schedule |                            | Publication of preliminary draft CIL Charging Schedule for consultation |   |

| Action  | Reserved to Council   | Reserved to Cabinet   | Reserved to Individual Cabinet Member   | Delegated to Officers   |
|---|---|---|---|---|
| <p><del>Community Planning process</del></p> <p><u>Sustainable Community Strategy for Wycombe</u></p> | <p>Approval to the Sustainable Community Strategy <u>for Wycombe (including the Council's contribution)</u> and subsequent modifications, following consultation.</p> | <p>1. Preparation and leadership of the process, including review</p> <p><del>2. Regular reports to full Council</del></p> <p><del>3. Ensuring all Councillors and others are kept informed and have the opportunity to participate in the process</del></p> <p><del>4. Leadership of annual Policy planning day</del></p> <p>5.2. Approval of work programmes and priority changes above £250,000 within the Council's overall budget</p> <p><del>6.3. Determination and review of the</del></p> | <p>1. Preparation and co-ordination of strategies within the relevant portfolio areas that support the Sustainable Community Strategy, undertaking internal and external consultation as appropriate</p> <p><del>2. Input as appropriate to the annual policy planning day</del></p> <p><del>3. Formulation of annual work programme / targets and action plans that support the Sustainable Community Strategy</del></p> <p><del>4. Priority changes to the annual work programme and implementation</del></p> | <p>1. Implementation of work programmes</p> <p>2. Minor changes to work programmes including new initiatives or expenditure up to the level as set out in the detailed scheme of delegation</p> <p>3. Implementation of joint working arrangements <u>to deliver the Sustainable Community Strategy</u></p> |

| Action            | Reserved to Council                              | Reserved to Cabinet   | Reserved to Individual Cabinet Member  | Delegated to Officers   |
|-------------------|--|---|--|---|
|                   |  | <p>Council's arrangements for joint working and consultation, <del>including representation at meetings, events, conferences, etc</del> that have not been approved elsewhere</p> | <p><del>arrangements, including new initiatives or expenditure under £250,000 within overall budget</del></p> <p>5.2. Joint working in appropriate portfolio areas to implement the Sustainable Community Strategy</p> |   |
| Capital Programme | 1. Approval and changes outside agreed programme | <p>1. Preparation and allocation to Cabinet Members</p> <p>2. Approval of Virement between portfolios</p> <p>3. Approval of expenditure from Capital Contingency</p>              | <p>1. Virement or changes to approved schemes within his or her portfolio areas provided they are within overall capital allocation for that portfolio</p> <p>2. Authority for funding of feasibility studies</p>      | Day to day management of schemes and action authorised by Financial Regulations |



| Action  | Reserved to Council   | Reserved to Cabinet  | Reserved to Individual Cabinet Member  | Delegated to Officers  |
|---------|---|--|--|--|
| Budgets | <ol style="list-style-type: none"> <li>1. Approval of budget framework and changes outside agreed budget (including initial allocation across service areas)</li> <li>2. Borrowing strategy</li> <li>3. Investment strategy</li> <li>4. Approval of virement in excess of £500,000</li> </ol> | <ol style="list-style-type: none"> <li>1. Preparation</li> <li>2. Co-ordination and overview</li> <li>3. Land and property acquisitions or disposals in excess of £1,000,000 in value within overall capital budget (except where the making of any necessary application for ministerial consent needs to be authorised by full Council by law)</li> <li>4. Approval of virement in excess of £100,000 up to £500,000 in accordance with Financial Regulations</li> </ol> | <ol style="list-style-type: none"> <li>1. Virement or changes to priorities within overall portfolio budget</li> <li>2. Presentation of detailed proposals within relevant portfolio areas to full Cabinet</li> <li>3. Authorisation of bids for external funding likely to exceed £100,000 in value</li> <li>4. Setting of fees and charges to meet income targets</li> <li>5. (To Cabinet Member holding property portfolio) Land or property acquisitions or disposals not exceeding £1,000,000 in value within overall capital budget and in consultation with the other appropriate Cabinet Members (except where ministerial consent application needs to be authorised by Full Council by law)</li> </ol> | <ol style="list-style-type: none"> <li>1. Day to day management within approved estimates</li> <li>2. Virement as detailed in Financial Regulations</li> <li>3. Preparation of draft estimates</li> <li>4. Action authorised by Financial Regulations</li> <li>5. Preparation of bids for external funding</li> <li>6. Minor amendments to fees and charges in accordance with detailed scheme of delegation</li> <li>7. Write-off of debts in accordance with detailed scheme of delegation</li> <li>8. Implementation of grant aid policy within approved budgets</li> </ol> |

| Action                  | Reserved to Council  | Reserved to Cabinet   | Reserved to Individual Cabinet Member   | Delegated to Officers  |
|-------------------------|--|---|---|--|
| Policies and strategies | <del>1. Approval or adoption of policy frameworks, statutory plans and strategies</del><br><del>2.1. Proposals outside Council approved policies, statutory plans and strategies</del> | <del>1. Leadership of Annual Policy Planning Day</del><br><del>2. Preparation of proposals and work programmes</del><br><del>3. To determine non-statutory plans and strategies</del> | <del>1. Consultation with Improvement and Review Commission Chairman, external partners and Councillors in his or her portfolio areas</del><br><del>2. Minor changes within established policies and practices within relevant portfolio areas</del><br><del>3.1. Appointment of a minimum of five cross party Councillors to act as 'informal policy advisers'</del> | <del>1. Day to day management within approved policies and strategies</del><br><del>2. Advice to Members</del><br><del>3.1. Implementation and monitoring of the Treasury Management Policies and practices.</del> |

| Action   | Reserved to Council                      | Reserved to Cabinet   | Reserved to Individual Cabinet Member  | Delegated to Officers  |
|--|--|---|--|--|
| <p><u>Corporate Plan Performance monitoring and the Corporate Plan</u></p> | <p>1. Approval of the Corporate Plan</p> | <p><del>1. Consideration of draft Improvement Plan</del><br/> <del>2. Overview of performance</del><br/> 3. Consideration of draft Corporate Plan <u>and</u> approval of minor amendments to the <u>plan programme which have financial and/or policy implications.</u><br/> <u>1. Initial consideration of final external audit and inspection reports</u></p> | <p>1. Input into the <u>draft Corporate Improvement Plan</u> as necessary<br/> 2. Overview of his or her area of responsibility<br/> <del>3. Liaison with Improvement and Review Commission Chairman in relevant portfolio areas to ensure reviews are completed on-time in-line with policy and statutory requirements</del><br/> 4.3. To ensure agreed actions are implemented from completed service reviews and regularly reviewed by the Improvement and Review Commission<br/> <u>4. Response to draft audit and inspection reports and ensuring that action is taken as appropriate</u></p> | <p>1. Preparation of the <u>Corporate Improvement Plan</u><br/> <del>2. Raise issues as appropriate</del><br/> <del>3. Undertake the service reviews in-line with the review programme under the Improvement and Review Commission</del><br/> 4. Implement completed service improvement plans and submit regular performance progress reports as required<br/> <u>2. Implementation of agreed actions</u></p> |

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| Action                        | Reserved to Council | Reserved to Cabinet   | Reserved to Individual Cabinet Member   | Delegated to Officers  |
|-------------------------------|---------------------|---|---|--|
| <u>Performance Monitoring</u> |                     | <u>4. Regular Overview of performance, taking account of any recommendations from Audit Committee and/or Improvement &amp; Review Commission.</u> | <u>5. Overview of performance within his/her portfolio and the taking of any necessary remedial action (within policy and budget) to ensure agreed performance levels are maintained.</u> | <u>5. Responsibility for the day to day operation of services.</u> |

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| Action                     | Reserved to Council  | Reserved to Cabinet  | Reserved to Individual Cabinet Member   | Delegated to Officers |
|----------------------------|--|--|---|-----------------------|
| Political leadership       |  | The political direction and leadership of the authority  |   |                       |
| Appointment of Committees  | Appointment of Committees for areas other than those reserved as Executive functions   | <ol style="list-style-type: none"> <li>1. Appointment of Committees for areas reserved as Executive functions</li> <li>2. Appointment of Review Boards where allowed by statute</li> </ol> |   |                       |
| External Audit Reports etc | Implementation of recommendations in respect of non-executive functions (Where terms of reference so allow, this function may be carried out by a Council Committee) | <ol style="list-style-type: none"> <li>1. Consideration of Annual Management Letter</li> <li>2. Implementation of recommendations in respect of Executive functions</li> </ol>             | Consideration in consultation with the <a href="#">Audit Committee and/or</a> Improvement and Review Commission |                       |

| <b>Action</b>                 | <b>Reserved to Council</b>  | <b>Reserved to Cabinet</b>   | <b>Reserved to Individual Cabinet Member</b>   | <b>Delegated to Officers</b>               |
|-------------------------------|---|--|--|--|
| Appointment to outside bodies | Appointments to bodies other than those reserved to the Executive   | Appointments to bodies in connection with functions that are the responsibility of the Executive | Casual vacancies during the course of a year for those bodies within relevant portfolio area | Notification of vacancies and appointments |
| Appointment of staff          | <ol style="list-style-type: none"> <li>1. Appointment of Head of the Paid Service, Monitoring Officer and Head of Financial Services</li> <li>2. Organisational structure at first tier level</li> <li>3. Appointment of Councillors to first tier appointment Panels in accordance with Standing Orders</li> </ol> | Review of draft proposals prior to consideration by full Council                                 | Membership of appointment panels for first tier officers in relevant portfolio areas         | All officer appointments below first tier  |

| <b>Action</b>        | <b>Reserved to Council</b>   | <b>Reserved to Cabinet</b>  | <b>Reserved to Individual Cabinet Member</b>  | <b>Delegated to Officers</b>  |
|----------------------|--|---|---|---|
| Contracts            | Approval to enter into contracts over £2,000,000 within policy, budget provision and virement limits, or which cannot be funded from within approved budgets   | Approval to enter into contracts within budget (but not to sign on behalf of the authority) up to £2,000,000 within policy, budget provision and virement limits. | To act as consultee a) for entering into contracts and b) approval under Contract Standing Order 3.17.1 (but not sign on behalf of the authority) in accordance with financial regulations and Contract Standing Orders | Acceptance of Tenders and signing of contracts in accordance with the scheme of delegation to officers, financial regulations and Contract Standing Orders  |
| Standards and ethics | <ol style="list-style-type: none"> <li>1. To have overall responsibility for the standards and ethics of all Councillors and officers</li> <li>2. To adopt Codes of Conduct to ensure compliance with appropriate legislation</li> </ol> |   | To maintain high standards of conduct and to abide by appropriate legislation, codes of conduct and the Council's own procedures in all matters within the relevant portfolio area                                      | <ol style="list-style-type: none"> <li>1. To act at all times in accordance with current legislation and the appropriate Codes of Conduct</li> <li>2. To assist the Council's Standards Committee in its work</li> <li>3. To maintain appropriate Registers of Interests</li> </ol> |

| Action                          | Reserved to Council   | Reserved to Cabinet  | Reserved to Individual Cabinet Member   | Delegated to Officers  |
|---------------------------------|---|--|---|--|
| <del>Forward Plan</del>         | <del>Consideration of quarterly report of all urgent action taken</del> | <del>1. Preparation of rolling Forward Plan</del><br>2.1. <del>Submission of quarterly report to full Council</del>  | <del>1. To act in accordance with the requirements of the Local Government Act 2000 and the provisions of Standing Orders in respect of relevant portfolio area</del><br>2.1. <del>Provision of details of any such urgent action taken to the Leader of the Council for the purposes of the quarterly report to full Council</del> | <del>Publication as required by law</del>  |
| Making of legislation or orders | Final approval where statute so provides.                               | 1. Proposals to promote or oppose the making of local or personal Bills<br>2. Approval to Compulsory Purchase Orders | Recommendations to Cabinet in relevant portfolio areas  | 1. Advice to Councillors<br>2. Implementation and management of process as necessary |



| Action   | Reserved to Council   | Reserved to Cabinet  | Reserved to Individual Cabinet Member   | Delegated to Officers   |
|--|---|--|---|---|
| Complaints, Comments and Compliments   |   | Responsibility for monitoring the operation of the Council's complaints procedure through an informal process, to be undertaken by provision of a quarterly Information Sheet to Cabinet Members and members of the Standards Committee  |   | <a href="#"><u>Compliance with the Complaints Procedure.</u></a><br><a href="#"><u>Changes to, and updating of, the Corporate Complaints Procedure to the Head of Democratic, Legal and Policy Services</u></a> |
| Decisions on functions (not delegated to Committees) in accordance with the Local Authorities (Functions and Responsibilities) (England) Regulations 2000) | <ol style="list-style-type: none"> <li>1. Any matter not within approved budgets, Council approved policies, strategies or limits</li> <li>2. Issues called-in to full Council</li> </ol> | Collective key or other Executive decisions within budget or approved policy or strategy (subject to the taking of legal, financial and appropriate professional advice) as are not specifically referred to in this list of powers and do not otherwise fall to be recommended to Council or otherwise as provided for in legislation | Individual decisions in accordance with the agreed scheme of delegation (subject to the taking of legal, financial and appropriate professional advice) | <ol style="list-style-type: none"> <li>1. Advice to individual Cabinet Members and full Cabinet</li> <li>2. Recording and publication of all decisions as required by law</li> </ol>                            |

| Action        | Reserved to Council | Reserved to Cabinet   | Reserved to Individual Cabinet Member   | Delegated to Officers                        |
|---------------|---------------------|---|---|--|
| Urgent Action |                     | In accordance with <del>legislation the requirements of the Local Government Act 2000</del> , any Regulations and Directions made thereunder and the provisions of Standing Orders in respect of any matter which is the responsibility of the Cabinet. | In accordance with <del>legislation the requirements of the Local Government Act 2000</del> , any Regulations or Directions made thereunder and the provisions of Standing Orders in respect of any executive function which is the responsibility of the Cabinet Member. | In accordance with the scheme of delegation. |

## **ALL HEADS OF SERVICE**

### **EXECUTIVE FUNCTIONS**

1. To make optimum use of new technology within approved policy and budget.
2. To promote and implement the Council's Communications Strategy.
3. To monitor the use of Council owned / occupied land and buildings in accordance with agreed policy.
4. To maintain a programme of maintenance and improvement for premises within their control within budget and approved policy where appropriate.
5. The management and implementation of the agreed Action Plan under the Council's approved Community Strategy.
6. Within approved policy and budgets in consultation with the relevant Cabinet Member, to determine the appropriate status of any ceremonial event and undertake appropriate arrangements.
7. To undertake the Stage 2 review and validation process for expressions of interest submitted under the Community Right to Challenge (as approved by Cabinet), and in consultation with their Cabinet Member, take the decisions required to accept, amend or reject in accordance with the statutory guidance. (see also point 28 of the Head of Democratic, Legal and Policy Services for stage 1 authority)
8. To submit expressions of interest and bids to other bodies, where they support the delivery of the Council's priorities and in advance of any final funding decisions required by the Council, following consultation with the appropriate Cabinet Member and Head of Finance and Commercial.

### **NON-EXECUTIVE FUNCTIONS**

1. Within the parameters of the Council's approved policies, the appointment and dismissal of Officers up to and including third tier level.
2. To keep staffing structures and resources under constant review.
3. To take appropriate action under the approved disciplinary procedures.
4. To develop and promote good industrial relations in order to:-
  - (a) provide the necessary motivation of all employees so as to optimise an individual's job satisfaction; and
  - (b) employee's level of performance; and create a stable working environment.
5. To develop appropriate training programmes for staff within budget.
6. To appoint temporary staff, subject to the cost being contained within budget.

### **GENERAL**

All relevant Heads of Service acting under delegated powers shall have recorded all material and non routine action taken in a File of Action taken under Delegated Powers maintained by the Head of Democratic, Legal and Policy Services, which shall be reported to the next ordinary meeting of the Cabinet or Committee concerned, and open to inspection by any Member of the Council.

All relevant Heads of Service exercising delegated powers shall act within approved policy and within appropriate approved budgets but shall whenever they or the Chief Executive

consider it advisable, submit specific cases for consideration by the Cabinet or relevant Cabinet Member or Committee concerned or submit the matter generally for a review of the underlying policy.

Where an Officer is authorised to deal with a matter this shall be taken to mean that he may approve or disapprove an application for grant, or refrain from granting, a licence, consent or other form of approval, and he shall have power to impose any condition where so authorised by statute or by the Council.

If a Head of Service acting under powers authorising him to deal with applications involving the payment by the Council of money to any person certifies such payment then the Head of Finance and Commercial is authorised to make payment of the amount so certified.

All delegated powers shall include power to authorise the fixing of the Common Seal to documents.

The Chief Executive shall be entitled to be supplied in writing by the appropriate Corporate Director, Head of Service with any information about Council business which he or she considers is required to enable him or her to carry out the duties of Chief Executive.

**In Addition:**

1. To authorise any person to enter land or premises pursuant to any statutory provision for the purpose set out in that provision, except in the case of Officers of the Council in which case the authority shall be limited to Officers within their own division.
  2. Implementation of service development within approved policy and budgets.
  3. Control of service budgets within overall agreed limits and policies in accordance with the strategies, policies, objectives and targets set by Members and Financial Regulations.
  4. Powers of virement from budgets within overall financial constraints up to £100,000 in consultation with the Chief Finance Officer.
  5. Management of the day to day activities of the Council implementing agreed policies.
  6. Refining of existing fees and charges as appropriate in line with policy guidelines set by Members. New fees and charges or substantial increases or decreases to be submitted to Members as appropriate for determination.
  7. Authority to incur expenditure towards untoward needs and incidents within approved policy up to a maximum figure of 5% of service budget page or £5,000 whichever is the smaller, and subject to the cost being contained within overall budgets, in consultation with the relevant Chairman or Cabinet Member as appropriate.
  8. AnyTo delegate any authority ~~delegated to a Head of Service shall herein to~~ be exercisable by any Officer in his or her directorate, as that Head of Service may authorise, in such circumstances as the Head of Service shall determine
  9. Any authority exercisable by a Head of Service shall also be deemed to be authorised to the Corporate Director in the event that a Head of Service is not available to implement or take action under the authority.
  10. In this Scheme of Delegation the words 'Corporate Director' shall be taken to apply equally to a "Head of Service" in respect of relevant Cabinet portfolios.
- ~~8.11.~~
- ~~9.12.~~ Pursuant to any decision of the Council or the Cabinet or Cabinet Member or any

Committee or pursuant to any decision taken by a Head of Service or the District Solicitor under delegated authority to take all action as is necessary to facilitate and/or implement that decision including making any applications that may be necessary under legislation, entering any appeal or instituting any review process, amending or reviewing any details, and undertaking consultation with the public or other external bodies.

- | ~~40.13.~~ To review periodically, all Council activities to ensure that all possible sources of revenue are identified and utilised within agreed policies and report to Members as appropriate.
- | ~~41.14.~~ Within approved policy and budgetary provision to introduce new technology to enhance services, effectiveness and efficiency.
- | ~~42.15.~~ To appoint consultants or seek external expertise as required subject to any appointment being within budget provision for the appropriate project.
- | ~~43.16.~~ To review systems and procedures within the respective Directorates regularly.
- | ~~44.17.~~ To monitor the performance of services in accordance with relevant indicators, including those set by the Audit Commission, with reports to Members on an exception basis.
- | ~~45.18.~~ To monitor and take corrective action as necessary to ensure income and expenditure meet approved targets within revenue and capital budgets.
- | ~~46.19.~~ To implement completed service improvement plans and submit regular performance progress reports as required.
- | ~~47.20.~~ To serve notices under Section 16, Local Government (Miscellaneous Provisions) Act 1976, to obtain particulars of persons interested in land.

## **CHIEF EXECUTIVE**

### **EXECUTIVE FUNCTIONS**

1. To have overall authority to deal with any war or peacetime emergency which may arise and to call upon ~~such other the~~ Corporate Directors and ~~their Departments sections~~ Heads of Service for assistance as may be necessary in compliance with other approved urgency procedures where appropriate.
2. To have overall responsibility for the effective management and implementation of the Council's approved Community Strategy and Corporate Plan.
3. To authorise all action in respect of Internal Audit within approved budgets and within the strategy, policy, direction, objectives and targets set by Members.
4. In consultation with the Leader of Council and the Cabinet, to determine and issue each year the timetable for Council, Cabinet, Committee and other meetings, including the on-going timetable for Member Workshop / Training Sessions.
5. In relation to the High Wycombe Town Centre Redevelopment to approve the acquisition by agreement of any interest referred to in the Compulsory Purchase Order (CPO) whether pursuant to the CPO or by way of a private treaty transaction, provided the consideration or compensation in money or money's worth is no greater than the amount shown against the relevant interest concerned in the appendix to the report to the Cabinet dated 8 December 2003.
6. In relation to the High Wycombe Town Centre Redevelopment in consultation with the Leader of the Council and Cabinet Member for Resources to approve any acquisition referred to in 9 above where the consideration or compensation in money or money's worth exceeds the estimate shown in the appendix to the report submitted to the Cabinet dated 8 December 2003 by no more than the margin referred to in the report.
7. In consultation with any two of the Leader, the Cabinet Members for Resources, Planning and Sustainability, Transport and Employment and Environment to approve the acquisition by agreement of interests in land (including one or more options to purchase) by way of private treaty transactions within the area referred to in the report in support of the Parking and Access Strategy, or otherwise for planning purposes, provided the consideration payable has been externally validated and also recommended by the Head of Property Services, and provided the acquisitions do not in the aggregate exceed the approved capital budget or individually £1 million.

### **NON EXECUTIVE FUNCTIONS**

1. To discharge the statutory roles and responsibilities of Head of Paid Service, Returning Officer and Electoral Registration Officer.
2. To agree election fee scales for all Elections, including District Council Elections, and to manage and be accountable for all electoral services including elections.
3. To determine the allowances for representatives serving on outside organisations in accordance with approved Council policy.
4. To approve requests from local councils to vary the number of constituted Councillors, subject to the number not exceeding the ratio of Local Councillors to electors as recommended from time to time by the Association of Local Councils, and to no objection being received following publication of the proposal.

5. To authorise or delegate to ~~a~~the Corporate Director the appointment suspension and dismissal of Chief and Second Tier officers after consultation with those Councillors who shall be so designated from time to time.

#### GENERAL

1. To provide appropriate support to the Chairman of the Council and other Members to undertake their duties in accordance with approved budgetary provision.
2. To implement the District Council Peacetime Emergency Plan and Emergency Plan (War) including the disposition of Council resources and the discharge of District Council functions, within the guide lines set out by Parliamentary Bills, Statutory Order Rules Regulations and Circulars and Statutory Provisions and in consultation with the County Council.
3. To determine who should respond to consultation papers.

- ~~3.4.~~ To delegate to the Corporate Director as necessary and for the Corporate Director to act as, and on behalf of, the Chief Executive in his/her absence.

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## **DISTRICT SOLICITOR**

### **NON EXECUTIVE**

1. To discharge the role of Monitoring Officer under Section 5 of the Local Government and Housing Act 1989. The three Principal Solicitors to undertake this role in the absence of the District Solicitor.
2. Following consultation with the Independent Person, to determine whether a complaint merits formal investigation and to arrange such investigation.
3. To seek resolution of a complaint without formal investigation wherever practicable, to have discretion to refer decisions on investigation to the Standard Committee where he feels it is inappropriate for him to take the decision and to report annually to the Standards Committee on the discharge of this function.
4. To close the matter where the investigation finds no evidence of failure to comply with the Code of Conduct, providing a copy of the report and findings to the complainant, the Member concerned, and the Independent Person. Findings to be reported to the Standards Committee for information.
5. In the event the investigation finds evidence of a failure to comply with the Code of Conduct, in consultation with the Independent Person, to seek local resolution to the satisfaction of the complainant in appropriate cases. Where this is not appropriate or possible, to report the investigation findings to a Hearings Panel of the Standards Committee for local hearing.
6. To select up to 5 Members from the pool of the Members of the Standards Committee to form a Hearing Panel on an ad hoc basis, on the basis of political proportionality and to include at least two political parties and not more than one member of the executive.

### **GENERAL**

1. Following consultation with the relevant Cabinet Member or Committee Chairman as appropriate to authorise urgent or other action involving expenditure of up to £100,000 within existing policy and budgetary provision in cases where expenditure is not already authorised under delegated powers. When a Member is unavailable for any reason then the Leader or Deputy Leader or the Committee Vice-Chairman as appropriate shall be contacted. The relevant officer shall assume that he/she has the support of the relevant Member if within 5 days there is either unanimous agreement or no consultee has objected.
2. To make available agenda material and background papers pursuant to the Local Government Act 1972 as amended

## HEAD OF COMMUNITY

### EXECUTIVE FUNCTIONS

1. To manage approved Capital Developments on behalf of the Council as supervising officer and to ensure compliance with standing orders and the construction contract management procedures of the Council.
2. In consultation with the relevant Heads of Service to consider and determine, in accordance with Council Policy, applications which are:-
  - (i) One off applications for Grant Aid or Concessionary Lettings which involve financial assistance of not more than £20,000;
  - (ii) Repeat applications from organisations on the approved annual list of bodies assisted which involve grant aid of not more than £2,500; and
  - (iii) To impose appropriate conditions as seen fit, with the exception of unusual applications which shall be the subject of consultation with the relevant Cabinet Member as to the manner in which they shall be processed.
3. To consult with the Major Projects and Property Executive before the completion of any sale, purchase agreement, lease, licence casement or way leave (within the Council's policy).
4. To implement approved policies in respect of the Wycombe District Council Crime and Disorder Strategy, including CCTV and Prevent.
5. To liaise with clubs, community groups, governing bodies, young people, associations and statutory bodies to determine needs and priority areas for assistance.
6. Minor amendments to authorised approvals and conditions of grants which do not fundamentally alter the original approval including any extension of time in which to claim a grant by not more than one year, with the exception of any upward financial variation of the approved sum.
- ~~7. In consultation with the relevant Head of Service to consider and determine in accordance with Council policy applications relating to play, arts and sports which are:-
  - ~~(i) one-off applications for grant aid or concessionary lettings which involve financial assistance of not more than £10,000;~~
  - ~~(ii) repeat applications from organisations on the approved annual list of bodies assisted which involve grant aid of not more than £2,500; and~~
  - ~~(iii) to impose appropriate conditions as seen fit, with the exception of usual applications which shall be the subject of consultation with the relevant Cabinet Member as to the manner in which they shall be processed.~~~~
- ~~8.7.~~ To deal with bookings of all halls, open spaces and other Council owned recreation and cultural facilities (including those bookings of open spaces which call for formal closure under any Public or Local Act), and to deal with bookings of artistes performing on land or premises not owned by the Council in consultation with the Country Council (or relevant owning authority) and the police services.
- 9 The closure of facilities when in the relevant Head of Service opinion they are not fit for use.

10. To determine the dates for the commencement and determination of seasonal facilities.
11. To determine applications for use of sports facilities ~~and halls etc~~ at less than the set charge. (Use by, or on behalf of registered charities may receive a reduction of up to 50%, at the discretion of the manager.)
12. In consultation with the relevant Head of Service as appropriate to determine applications for:-
  - (a) River Moorings
  - (b) Refreshment and similar concessions
  - (c) Other concessions of a repeat nature
13. In consultation with relevant Heads of Service to deal with all matters concerned with the letting and management of Council owned allotments, subject to any required notices being issued and served and agreements being issued and signed by the District Solicitor.
14. To determine applications for the use of facilities which may exclude the use by the general public (i.e. major event) and to authorise the closure of such facilities to the general public, where applicable.
15. In consultation with the relevant Head of Service to arrange for the undertaking of all aspects of ground maintenance, play area and landscaping maintenance contract work.
16. To implement approved policies in respect of the following strategies:-
  - ~~(a) Public Art Strategy~~
  - ~~(b) Woodland Strategy~~
  - ~~(c) Open Spaces Strategy~~
  - ~~(d)~~(a) Play Strategy
  - ~~(e)~~(b) Sports Facility Strategy
  - ~~(f)~~(c) Community Facility Strategy
17. In consultation with the relevant Head of Service to:-
  - (a) Consult with English Nature over the founding of Local Nature Reserves;
  - (b) Take such steps as are necessary to declare them as such; and
  - (c) To determine designs for planting the crest bed in the Library Gardens, High Wycombe, in consultation with the relevant Cabinet Member.
18. To determine the adoption of Open Spaces in consultation with the relevant Head of Service as appropriate where the commuted sum is not in excess of £20,000.
19. To increase or decrease charges for leisure facilities to market levels in accordance with agreed policy, subject to substantial increases and decreases being submitted to the Cabinet (or relevant Cabinet Member where duly authorised in that behalf) for decision.
20. To authorise ~~Parks Rangers~~ ~~the e~~ issue of Fixed Penalty Notices under Section 88 of the Environmental Protection Act 1990.

- 21 To manage the cemetery including determining applications for maintenance of graves and erection of monuments.
22. To sign documentation relating to Burial Grants and the transfer of Burial Rights.
- ~~23 To keep a register of temporary markets notified to the Council under S37 Local Government (Miscellaneous Provisions) Act~~
24. In consultation with the District Solicitor to enforce the provisions of the Byelaws for Pleasure Fairs on land other than Council owned land.
- ~~24:25.~~ To determine nominations for Assets of Community Value under the Localism Act 2011.
- ~~25. To implement approved tourism policies.~~

## **NON EXECUTIVE FUNCTIONS**

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## **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Community.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Community.

# HEAD OF DEMOCRATIC, LEGAL AND POLICY SERVICES

## EXECUTIVE FUNCTIONS

1. In consultation with the relevant Head of Service to institute recovery proceedings including winding up proceedings within agreed policy.
2. In consultation with the relevant Head of Service to settle claims before or after issue of proceedings.
3. To deal with all matters relating to Court appearances by the Council, including authorising application for and consultation on anti-social behaviour orders, but excepting National Non-Domestic Rate Council Tax Rating and Community Charge matters at Magistrates Courts.
4. In consultation with the relevant Head of Service, the relevant Cabinet Member and or the Leader to either institute or defend judicial review proceedings in the High Court, Court of Appeal and the Supreme Court and to deal with all matters relating to the court proceedings.
5. To enter into all agreements, contracts, leases, tenancy agreements, easements, wayleaves or licences where duly authorised by Members, or under the Scheme of Delegation to Officers.
6. In consultation with the relevant Head of Service to issue and serve Notices to Quit.
7. To authorise the issue of proceedings for forfeiture for non-payment of rent or breach of covenants (including service of notice under Section 146 Law of Property Act 1925).
8. To deal with assignments of leases and to approve the grant of any consents required under the terms of existing leases as applied for by the Council's tenants.
9. When instructed by the Major Projects and Estates Executive, to serve the appropriate notice under the provisions of the Landlord and Tenant Act 1954 or any statutory replacement or re-enactment of such provisions to terminate a tenancy at the expiry of the leasehold term.
10. To represent Housing Associations in Possession Proceedings under the Housing Acts 1985 and 1988 in the County Court, including proceedings for unauthorised occupation, subject to terms satisfactory to the District Solicitor being agreed with the individual Housing Association for the carrying out of this service.
11. To carry out such legal work for Housing Associations or Parish Councils as may be authorised or considered appropriate from time to time.
12. To serve notices as required and to issue and sign agreements in respect of all Council owned allotments.
13. To issue and sign agreements for Circuses and Fun Fairs on Council owned land in accordance with the Council's Pleasure Fair Byelaws.
14. Where they are otherwise authorised, to enter into all agreements, contracts, leases, tenancy agreements, easements, wayleaves, or licences.
15. In consultation with the relevant Head of Service to enforce the provisions of the Byelaws for pleasure fairs on land other than Council owned land.
- ~~16. In consultation with the relevant Head of Service to implement the sale of Council Houses in accordance with statutory procedures and approved policy.~~

- | ~~17.16.~~ To authorise recovery proceedings involving repossession in cases of mortgage arrears, in consultation with the relevant Cabinet Member.
- | ~~18.17.~~ To deal with applications for the waiver of the pre-emption clause and re-sale price restriction and their replacement by the discount sharing provisions as contained in the Housing Act 1985.
- | ~~19.18.~~ To deal with applications by Mortgagors to let their accommodation or to transfer property into joint names.
- | ~~20.19.~~ To grant consent for sale of part of a mortgaged property in cases where the security in the property would remain satisfactory, subject to consultation with the relevant Head of Service as to whether repayment of part of the mortgage should be required.
- | ~~24.20.~~ To institute court proceedings for possession, as necessary, where instructed by the relevant Head of Service in the cases described in Grounds 1, 2, 3, 4, 5, 6, 8, 9, 10, 10(a), 13, 15 and 16 of Schedule 2 to the Housing Act 1985.
- | ~~22.21.~~ To institute court proceedings for possession in cases where the Housing Act 1985 does not apply and where instructed by the relevant Head of Service.
- | ~~23.22.~~ The preparation of Deeds of Variation to include the flat in the lease of the shop premises where possible and appropriate.
- | ~~24.23.~~ To deal with applications for transfer of tenancies from joint names into sole name.
- | ~~25.24.~~ The approval, service and signature of Notices under Sections 140, 141, 152 and 153, Housing Act 1985.
- | ~~26.~~ ~~To manage and be accountable for the administration of applications for permits in respect of concessionary fares within the strategy, policy direction, objectives and targets set by Members.~~
- | ~~27.25.~~ In consultation with the relevant Cabinet Member and Head of Service as appropriate to comment on proposals by the County Council regarding the removal of Highway Rights under Section 116 of the Highways Act 1980.
- | ~~28.26.~~ In consultation with relevant Cabinet Members to make appropriate Road Closure Orders under Section 21 of the Town Police Clauses Act 1847 in connection with special events held on the Highway.
- | ~~29.27.~~ To undertake litigation on behalf of other Buckinghamshire authorities in the Magistrates' Court and County Court on the specific instruction of the Head of Legal Services at the originating authority at a charge to be agreed.
- | ~~30.28.~~ To approve or reject individual Ward Budget Applications in accordance with the approved Scheme and to make amendments to the administration of the Scheme.
- | ~~34.29.~~ To be the nominated officer to receive 'expressions of interest' (EOI) submitted under the Community Right to Challenge and to conduct and determine the Stage 1 screening process as approved by Cabinet.

## **NON EXECUTIVE FUNCTIONS**

1. In consultation with the Head of Planning and Sustainability to determine applications for Certificates of Lawfulness of existing and proposed use or development submitted pursuant to Sections 191 and 192 of the Town and Country Planning Act 1990 as substituted by Section 10(1) of the Planning and Compensation Act 1991.

2. In consultation with the Head of Planning and Sustainability to serve notices and take action under Part 8, Sections 75 and 77 of the Anti-Social Behaviour Act 2003.
3. In consultation with Local Members to comment on proposals under Sections 25, 118 and 119 of the Highways Act 1980 for the creation, extinguishment and diversion of Public Footpaths and Bridleways made by Buckinghamshire County Council.
4. To collect fees and charges for Footpaths and Bridleway Orders.
5. In consultation with the appropriate Head of Service to exercise all powers (including serving all appropriate notices) of the Council relating to the permanent diversion, creation or extinguishment of Public Footpaths and Bridleways except for the confirmation of orders under Sections 118 and 119 Highways Act 1980 and Sections 251, 257 and 258 of the Town and Country Planning Act (as amended) where objections are received.  
[Section 251 – relates to an execution function and Sections 257 and 258 relate to non-executive functions]
6. To effect any consequential changes to the Constitution, arising from changes to legislation, mandatory upon the Council.
7. To effect any consequential changes to the Constitution arising from the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) regulations 2012.

## **GENERAL**

1. Following consultation with the relevant Cabinet Member or Committee Chairman as appropriate, to authorise urgent or other action involving expenditure of up to £100,000 within existing policy and budgetary provision in cases where expenditure is not already authorised under delegated powers. When a Member is unavailable for any reason then the Leader or Deputy Leader or the Committee Vice-Chairman as appropriate shall be contacted. The relevant Officer shall assume that he/she has the support of the relevant Member if within 5 days there is either unanimous agreement or no consultee has objected.
2. To make available agenda material and background papers pursuant to the Local Government Act 1972 as amended:
3. (a) To take and defend all legal actions (including Planning Appeals or any other matters dealt with through Public Inquiry or hearing) authorised to be taken or taken against the Council including, within approved budgets, the instruction of Counsel or outside solicitors, Consultants or Agents where he/she considers it appropriate, and the taking of all steps within any such proceedings as the District Solicitor may consider to be necessary or appropriate.  
(b) The instruction of Counsel or outside solicitors for advice within budgetary provision.
4. To issue, make and/or serve any notice, order or process authorised to be issued, made and/or served and on receipt of satisfactory evidence, to decide whether or not to take legal proceedings to enforce the requirements of such notices, order or process. To institute proceedings for offences committed for which the Council is the proper authority, if he/she is satisfied as to the adequacy of the evidence, and to defend any proceedings brought against the Council.
5. To sign legal documents and authorise legal action on behalf of the Council.

6. To determine requests for financial assistance with litigation costs referred to the Council by the Local Government Association up to £1,000 per case, within budgetary provision.
7. To sign agreements with sub contractors and suppliers where such are otherwise approved.
8. To serve and/or sign notices (the service / signature of which is not expressly delegated to another Head of Service under legislation affecting any of the Council's powers and duties).
9. To serve as the nominated officer to receive expressions of interest submitted under the Community Right to Challenge and to conduct and determine the stage 1 screening process as agreed at Cabinet on 5 November 2012.
10. In consultation with the Cabinet Member to undertake stage 2 review and validation process for Expression of Interest (EOI), agreed on 5 November 2012, and to take the decision required to accept amend or reject in accordance with statutory guidance.
11. In consultation with the Head of Planning and Sustainability, to make necessary minor amendments to Members' Planning Code for Good Practice.



# HEAD OF ENVIRONMENT

## EXECUTIVE FUNCTIONS

1. Having taken into consideration any relevant bye-laws, policies and procedures all functions and powers authorised to be discharged by the District Council within the following Acts and any subsidiary legislation made under these Acts, except those which have been expressly reserved to Council, committee or sub- committee as laid out in Part 2A of the Council's Constitution:
  - Anti-Social Behaviour Act 2003
  - Clean Neighbourhoods and Environment Act 2005
  - Control of Pollution (Amendment) Act 1989
  - Criminal Justice and Public Order Act 1994
  - Dangerous Dogs Act 1991
  - Dogs Act 1871
  - Dogs (Fouling of Land) Act 1996
  - Environment Act 1995
  - Environmental Protection Act 1990
  - European Communities Act 1972
  - Food and Environment Protection Act 1985
  - Food Safety Act 1990
  - Goods Vehicles (Licensing of Operators) Act 1995
  - Homelessness Act 2002
  - Housing Act 1996
  - Housing Act 1998
  - Housing Act 2004
  - Housing Grants, Construction and Regeneration Act 1996
  - Land Drainage Act 1991
  - Landlord and Tenant Act 1985
  - Land Compensation Act 1973
  - Local Government Act 1972
  - Local Government and Housing Act 1989
  - Local Government (Miscellaneous Provisions) Act 1976
  - Localism Act 2011
  - Mobile Homes Act 2013
  - Open Spaces Act 1906
  - Pollution Prevention and Control Act 1999
  - Protection from Eviction Act 1977
  - Protection from Harassment Act 1997
  - Public Health Act 1875
  - Refuse Disposal (Amenity) Act 1978
  - Regulatory Reform Act 2001

- Rent Act 1977
  - Road Traffic Act 1956
  - Road Traffic Act 1960
  - Road Traffic Act 1962
  - Road Traffic Regulation Act 1984
  - Scrap Metal Dealers Act 2013
  - Sunday Trading Act 1994
  - Water Industry Act 1991
2. To produce and implement any relevant approved policies, strategies and protocols in respect of the legislation set out at point 1 above.
  3. To collect fees and charges in respect of the legislation set out at point 1 above where relevant (including any amendment, regulation or subsidiary legislation), to be set and in some cases in consultation with the relevant Chairman or Portfolio Holder.
  4. To seek advice and assistance from the District Solicitor in cases where formal enforcement action may be necessary, including the commencement of legal proceedings
  5. To delegate to another body the Environmental Permitting function and powers under the Regulations made under the Pollution Prevention and Control Act 1999.
  6. To liaise with the relevant Head of Service to ensure that all unsecured land within the Council's ownership is secured against unauthorised encampments and in consultation with the District Solicitor, to seek possession of such land.
  7. To authorise house renovation grants within approved policy and budgets.
  8. To authorise the payment of electricity, gas or water accounts, not exceeding £2,500 per account, pursuant to Section 33 Local Government (Miscellaneous Provisions) Act 1976.
  9. To manage any caravan sites for gypsies in accordance with agreed policy.
  10. To supervise and monitor performance (including taking corrective action where necessary) under contracts for the following services:-
    - (1) Street cleansing
    - (2) Emptying cesspools / septic tanks
    - (3) Cleaning and emptying of public conveniences
    - (4) Waste collection
  11. To execute the function of the Council relating to land drainage arising from statute or agency arrangements in accordance with agreed policy and budgets.
  12. To execute the Council's Recycling Strategy to meet the Government's targets and guidelines.
  13. To authorise Litter Wardens, Car Park Inspectors and Cleansing Inspectors to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act 1990.
  14. In consultation with the Cabinet Member for Community to agree the level of fees in respect of Houses in Multiple Occupation Licensing pursuant to Section 63 of the Housing Act 2004.

15. To deal with the management and maintenance of off-street car parks within approved policies, budgets, constraints and parking structures.
16. To vary off-street car park charges in consultation with the appropriate Cabinet Member.
17. To deal with applications to write off standard charge tickets issued in the Council's off-street car parks.
18. To carry out approved policies associated with the collection, storage and disposal of abandoned vehicles.
19. In consultation with the Cabinet Member for Community to decide on which affordable housing schemes be supported with LASHG or such replacement funding schemes which may be introduced.
20. To deal with applications, exchanges and transfers of tenancies within approved policy.
21. To liaise with Housing Associations and others in order to identify the housing needs of the District.
22. To administer the Council's waiting list and allocate appropriate Housing within approved policies and budgets.
23. In consultation with the District Solicitor to authorise the carrying out of such architectural building surveying, engineering and associated construction advice services for Housing Associations, Parish Councils, Local Authorities and Charitable Organisations as the Council may be empowered to do, subject to terms being agreed (with the individual organisation for the carrying out of these services) which are to the satisfaction of the Head of Planning and Sustainability.
24. To consult with the Head of Planning and Sustainability before the completion of any sale, purchase agreement, lease, licence, easement or wayleave (within the Council's policy).

## **NON EXECUTIVE FUNCTIONS**

1. Having taken into consideration any relevant bye-laws, guidance, policies and procedures, all functions and powers authorised to be discharged by the District Council within the following Acts and any subsidiary legislation made under these Acts, except those which have been expressly reserved to Council, committee or sub-committee as laid out in Part 2A of the Council's Constitution:
  - Animal Boarding Establishments Act 1963
  - Animal Welfare Act 2006
  - Anti-Social Behaviour Act 2003
  - Breeding of Dogs Act 1973
  - Breeding of Dogs Act 1991
  - Building Act 1984
  - Caravan Sites Act 1968
  - Caravan Sites and Control of Development Act 1960
  - Charities Act 1992
  - Clean Air Act 1993

- Control of Pollution Act 1974
- Dangerous Wild Animals Act 1976
- Environment Act 1995
- Environmental Protection Act 1990
- European Communities Act 1972
- Food Safety Act 1990
- Gambling Act 2005
- Guard Dogs Act 1975
- Health Act 2006
- Health and Safety at Work etc. Act 1974
- House to House Collections Act 1939
- Hypnotism Act 1952
- Licensing Act 2003
- Local Government Act 1894
- Local Government Act 2000
- Local Government (Miscellaneous Provisions) Act 1976
- Local Government (Miscellaneous Provisions) Act 1982
- Mobile Homes Acts 1983 and 2013
- Noise Act 1996
- Noise and Statutory Nuisance Act 1993
- Pet Animals Act 1951
- Police Factories & C. (Miscellaneous Provisions) Act 1916
- Police Reform and Social Responsibility Act 2011
- Pollution Prevention and Control Act 1999
- Prevention of Damage by Pests Act 1949
- Public Health (Control of Disease) Act 1984
- Public Health Act 1936
- Public Health Act 1961
- Riding Establishments Acts 1964 and 1970
- Town Police Clauses Act 1847
- Zoo Licensing Act 1981

2. To produce and implement any relevant approved policies, strategies and protocols in respect of the legislation set out at point 1 above.
3. To collect fees and charges in respect of the legislation set out at point 1 above where relevant (including any amendment, regulation or subsidiary legislation).
4. In those cases relating to functions exercised under the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976 which cannot be determined under delegated powers, the determination to be undertaken by the relevant Head of Service in consultation with the Chairman or Vice-Chairman of the Regulatory and Appeals Committee.

5. To make minor amendments to the Council's Hackney Carriage and Private Hire Licensing policy in consultation with the Chairman of the Regulatory and Appeals Committee.
6. To appoint officers for carrying into effect the relevant statutory provisions under the Food Safety Act 1990 (as amended) and:
  - a) any Orders or Regulations made thereunder or relating to the foregoing or having effect by virtue of the European Communities Act 1972\*; and
  - b) any modification or re-enactment to the foregoing.

\*Note: Providing an officer is suitably appointed to so act, the fact that the enforcement powers are contained in a Regulation or Order, whether made under the European Communities Act 1972 or any other stated Act, is irrelevant for the purpose of acting lawfully.

7. To appoint as Inspectors such persons having suitable qualifications as the Authority think necessary for bringing Part 1 of the Environmental Protection Act 1990 (as amended) into effect within the Wycombe District Council area in relation to prescribed processes designated for local control.
8. To appoint Inspectors for carrying into effect the relevant Statutory provisions under the Health and Safety at Work etc Act 1974 and subordinate legislation.
9. To seek advice and assistance from the District Solicitor in cases where formal enforcement action may be necessary, including the commencement of legal proceedings.

#### **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Environment.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Environment.

# HEAD OF FINANCE AND COMMERCIAL

## EXECUTIVE FUNCTIONS

1. To manage and be accountable for the following services within the strategy, policy direction, objectives and targets set by Members:-
  - (a) Collection of income due from National Non-Domestic Rate, Council Tax and Housing Benefit Overpayment;
  - (b) The Council's insurance and Risk Management;
  - (c) Housing Benefit, and Council Tax Reduction administration up to appeal stage;
  - (d) Provision of a financial information system to all the Council's managers.
2. The Head of Finance and Commercial is given delegated authority and responsibility for the implementation of service development and control in the following matters:-
  - (a) In consultation where he considers appropriate with the Chief Executive, to implement, National Non-Domestic Rate and Council Tax legislation within approved policy;
  - (b) To issue, National Non-Domestic Rate, and Council Tax recovery proceedings, including dealing with all matters relating to appearances at Magistrates Court.
  - (c) To grant mandatory charitable relief.
  - (d) To grant discretionary charitable relief within approved policy guidelines.
  - (e) To grant reduction or remission of National Non-Domestic Rate on the grounds of hardship within approved policy guidelines.
3. To deal with applications for relief under Section 13A of the Local Government Act 1992.
4. To determine appeals against decisions not to give discretionary rate relief.
5.
  - (a) To write off sundry or irrecoverable debts up to £50,000 in value;
  - (b) To write off National Non-Domestic Rate Arrears up to £50,000;
  - (c) In consultation with the relevant Cabinet Member to write-off National Non-Domestic Rate Arrears of between £50,001 and £100,000 in value in any one case.
  - (d) In consultation with the relevant Cabinet Member to write-off sundry or irrecoverable debts of between £50,001 and £100,000 in value in any one case.
  - (e) In consultation with the relevant Cabinet Member, to determine applications for the reduction or remission of National Non-Domestic Rate on the grounds of hardship in cases not exceeding £50,000 using the established criteria.
6. To elect to waive exemption on specific properties making them a standard rated supply for Value Added Tax purposes.
7. To exercise the discretion granted by Sections 156(2A) and 156(2B) of the Housing Act 1985 to serve notice on a building society or other lender agreeing to postpone the discount sharing provisions in favour of the authority, in consultation with the District Solicitor.

8. To authorise all action in respect of the following services within approved budgets and within the strategy, policy, direction, objectives and targets set by Members:-
  - (a) Investment and cash flow management.
  - (b) Preparation and monitoring of estimates for both revenue and capital expenditure.
9. To set and monitor the Council's Treasury Management policies and practices.
- ~~10. To implement the Council's Health and Safety Strategy in consultation with the relevant Corporate Director in respect of matters affecting the Council itself.~~
- 44.10. In consultation with relevant Cabinet Member to agree minor technical changes in respect of the Council Tax discounts and officer guidelines for discretionary rate relief.
- ~~12.11. Determinations under the Local Authorities (Capital Finance and Accounting) (England) Regulations 2003.~~

### **Interpretation**

In this Scheme of Delegation the words 'Corporate Director' shall be taken to apply equally to a "Head of Service" in respect of relevant Cabinet portfolios.

### **NON EXECUTIVE FUNCTIONS**

1. To take all steps necessary to ensure that no unauthorised or illegal expenditure occurs in accordance with Section 114 of the Local Government Finance Act 1988.

[The Authority shall be exercisable by the Chief Executive or Corporate Director in the absence of the Head of Finance and Commercial]

# HEAD OF HUMAN RESOURCES, INFORMATION COMMUNICATIONS TECHNOLOGY AND SHARED SUPPORT SERVICES

## EXECUTIVE FUNCTIONS

1. To manage and be accountable for the following services within the strategy, policy direction, objectives and targets set by Members:-
  - (a) Sundry debt and income collection;
  - (b) Payments administration;
  - ~~(c) The Council's insurance and Risk Management;~~
  - ~~(d) Provision of a financial information system to all the Council's managers.~~
- ~~2. To authorise applications under the assisted car purchase or car provisions scheme.~~
- ~~3.2.~~ To consider and resolve applications for financial assistance to staff within the Councils approved policy including the Equity Sharing Scheme, and to implement and manage the provision or procurement of other approved staff benefits in all cases in accordance with approved policy and budgets.
- ~~4.3.~~ To advise departments about people management policies and practices and to assist with or the best methods of achieving the manpower plan staffing structures, (including grading reviews) in order to achieve service objectives.
- ~~5.4.~~ To coordinate the implementation of the Council's approved IT strategy.
- ~~6.5.~~ In conjunction with the relevant Head of Service to purchase IT hardware and software in accordance with the Council's IT strategy subject to appropriate capital programme provision and any necessary Member approval.
- ~~7.6.~~ To develop and maintain a planned preventive maintenance system for public buildings and services within the Council's ownership within agreed budget parameters.
- ~~8. Within approved policy and budgets to introduce and develop a programme of energy conservation measures to reduce revenue expenditure and assist in the Council's environmental improvements programme and provide advice and support on energy matters within the scope of the Home Energy Conservation Act.~~
- ~~9.7.~~ To negotiate and accept terms within approved budgets for the supply of gas, water, electricity, ~~telephone, commercial television or radio reception installations and~~ supplies to properties within the ownership of the Council.

## NON EXECUTIVE FUNCTIONS

1. To review and implement the Council's Health & Safety Management System and Policy and Equal Opportunities in Employment Policy.
2. In conjunction with the appropriate Head of Service to agree payments relating to early retirement in the interests of the efficiency of the service, in accordance with relevant legislation and provisions of the Local Government Superannuation Scheme (redundancy cases involving any other recommended payments to be referred to Committee).

## GENERAL

1. (a) To co-ordinate management initiatives covering all, or a majority of staff ~~/~~



~~manual workers.~~

(b) To ensure all appropriate staff ~~\_/tradesmen~~ consultative procedures are followed.

2. To co-ordinate ~~departmental policies relating to the~~ training and development programmes.
3. To authorise payment of any awards of the National Negotiating Committees.

# HEAD OF PLANNING AND SUSTAINABILITY

## EXECUTIVE FUNCTIONS

### 1. Environmental and other Improvements or Repairs

1.1 Within any approved policy or scheme and within budget provision to authorise the payment of any grant, loan or other award (or to guarantee or otherwise indemnify any person against loss where statutory powers exist), in line with the spending limits set out in contract standing orders and financial regulations.

~~(a) — without consultation, up to a maximum of £50,000;~~

~~(b) — after consultation with the relevant Cabinet Member up to a maximum of £100,000 for any one project, and to determine the terms on which any such payment or guarantee is made or given.~~

1.2 Within approved policy, the approval of expenditure on and the implementation of any scheme of environmental enhancement, green infrastructure, or transportation project within approved budget provision, in line with the spending limits set out in contract standing orders and financial regulations.

~~(a) — without consultation up to a maximum expenditure of £50,000;~~

~~(b)(a) — after consultation with the relevant Cabinet Member, up to a maximum expenditure of £100,000 for any one project or scheme.~~

### 2. Development Plan Policy

~~2.1 To prepare draft plans for all or part of the District, including~~

~~(a) undertaking consultation within and beyond the Council, including with the general public, in the early stages of plan preparation, but excluding draft plan for consultation~~

~~(b) assembling appropriate and proportionate evidence required in plan preparation~~

~~(c) all activities necessary under the Duty to Co-operate; including liaison with the Local Economic Partnership as necessary~~

### 2.3. Supplementary Planning ~~Guidance including Development Briefs~~ Documents

~~2.13.1 After consultation with the relevant Cabinet Member and appropriate local Members, I to formulate prepare supplementary planning guidance documents including draft development briefs and after consultation with the relevant Cabinet Member and appropriate local Members, to carry out public consultation in respect of them.~~

### 3.4. Non-statutory planning documents or guidance ~~Conservation Area Character Surveys~~

~~3.14.1 After consultation with the relevant Cabinet Member and appropriate local Members, I to prepare draft documents or guidance, such as Conservation Area Character Surveys that is not SPD (see above) and after consultation with the relevant Cabinet Member to carry out public consultation in respect of them.~~

### 5. Statement of Community Involvement

5.1 To prepare or update the current SCI and after consultation with the relevant Cabinet Member to carry out public consultation in respect of it.

## **6. Community Infrastructure Levy (CIL)**

6.1 Preparation of the CIL Charging Schedule and associated evidence base including consultation up to but excluding the preliminary draft charging schedule for consultation.

### **4.7. Building Control**

4.47.1 To deal with applications in respect of building regulations, including the relaxation of building regulations.

4.27.2 To take or authorise all necessary action in respect of dangerous structures, pursuant to Sections 77 and 78 of the Building Act 1984.

4.37.3 To engage consultants in connection with the checking of structural calculations.

4.47.4 To serve the appropriate notices in respect of removal or alteration of offending work, and means of escape from fire under Section 36 and Section 72 of the Building Act 1984.

4.57.5 To control the demolition of buildings pursuant to Sections 80 81 82 83 of the Building Act 1984.

4.67.6 To consult on and to determine the naming and numbering of streets where there is no difference of opinion between consultees.

4.77.7 To serve appropriate notices in respect of the numbering and renumbering of properties, pursuant to Sections 64 and 65 of the Town Improvement Clauses Act 1847; and Sections 17 18 19 of the Public Health Act 1925.

4.87.8 To make an appropriate charge for street naming and numbering in accordance with Section 93 of the Local Government Act 2003 to ensure cost recovery.

4.97.9 In consultation with the Chief Finance Officer and the relevant Cabinet Member to vary the standard fee scales of the Local Government Association model scheme by + or – 20%.

4.107.10 To approve partnership agreements for undertaking building control work.

#### **5.8. Transportation, green infrastructure and environmental improvements**

8.1 To be responsible for liaising with the Buckinghamshire County Council and other agencies on all transportation matters.

8.2 To be responsible for liaising with the Natural Environment Partnership, the Health and Well Being Board (or its subsidiaries) and other agencies and partners in order to facilitate the co-ordination of programmes and the implementation of projects

5.18.3 To implement the Council's approved strategies, ~~and~~ policies and implementation plans, including those in the capital programme and those that are joint projects with Buckinghamshire County Council and / or other agencies within that programme, -within budgetary provision.

#### **6.9. Tree Planting**

6.19.1 To liaise with Buckinghamshire County Council in regard to the planting of street trees, and, where Buckinghamshire County Council requires licenses, to enter into these in consultation with the District Solicitor ~~to enter into licences with the Buckinghamshire County Council to enable tree planting to proceed in accordance with the street tree management proposals approved.~~

#### **7.10. Design and Heritage**

7.110.1 To manage the Council's Design and Heritage Awards.

#### **11. Engagement with stakeholders and the public**

11.1 To organise one off or ongoing processes or events such as Quality Counts! Tour, the Rural Forum, or work in advance of planning policy and related work, in order to stimulate a sense of ownership of change and development of the District including education, awareness raising, managing change, implementing service improvements and understanding the public view.

#### **8.12. Neighbourhood Area and Forum applications**

8.12.1 The validation acceptance and publication of Neighbourhood Area and Neighbourhood Forum applications.

8.212.2 In consultation with Cabinet Member for Planning and Sustainability, the consideration and determination of applications for designation of

Neighbourhood Area (including whether to designate as a business area) and Neighbourhood Forum.

**9.13. Neighbourhood Development Orders, and Neighbourhood Development Plans, and Community Right to Build Orders**

~~9.13.1 To determine the validity of applications in accordance with the relevant regulations publicise the details of the proposed Order or Plan, and, where these are met, to accept these applications.~~

~~9.213.2 To publicise the proposed Order or Plan. determine the validity and acceptance of applications for Plans or Orders.~~

~~9.313.3 To determine whether the matters mentioned in paragraph 6(2) and (3) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) have been met and complied with, and to submit the draft Order or Plan and such other documents for independent examination.~~

~~9.413.4 To consider whether to appoint a person to carry out the examination subject whether matters in paragraph 6(2) and (3) of Schedule 4B of the Town and Country Planning Act 1990 as amended have been met and complied with and to the qualifying body consenting to the appointment.~~

~~9.513.5 To make the arrangements for holding proceeding with the examinations.~~

~~9.6 The making of a Neighbourhood Development Order or Neighbourhood Development Plan if more than half of those voting have voted in favour of the Order or the Plan.~~

~~9.7 To defend any proceedings in Court brought by a claim for judicial review on the Order or the Plan on a decision under paragraph 12 of Schedule 4B.~~

~~9.813.6 In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to accept repeat proposals for the Order or a Plan.~~

~~9.913.7 In consultation with the Cabinet Member for Planning and Sustainability, to consider whether the draft Order or Plan:~~

- ~~(a) meets the basic conditions mentioned in Schedule 4B of Town and Country Planning Act 1990 (as amended); or~~
- ~~(b) meets the above-mentioned conditions if the modifications were made to the draft Order or the Plan (whether or not recommended by the examiner).~~

~~To hold a referendum if (a) or (b) above are met.~~

13.8 In consultation with the Cabinet Member for Planning and Sustainability, to refuse the proposal if not satisfied that the above Paragraph 9.9(a) or (b) are not met.

13.9 In consultation with the Cabinet Member, to make any modifications as allowed within the regulations to the Order or Plan prior to the Referendum.

13.10 To hold a referendum, if the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications) on the making of the Community Right to Build Order.

~~9.1013.11 To defend any proceedings in Court on the Order or the Plan on a decision under paragraph 12 of Schedule 4B.~~

#### ~~10. Community Right To Build Orders~~

- ~~10.1 To publicise the details of proposal of the Order.~~
- ~~10.2 To determine the validity and acceptance of applications for the Order.~~
- ~~10.3 To determine whether the matters mentioned in paragraph 6(2) and (3) of Schedule 4B of the Town and Country Planning Act 1990 as amended have been met and complied with, and to submit the draft Order and such other documents for independent examination.~~
- ~~10.4 To determine whether to appoint a person to carry out the examination subject to the qualifying body consenting to the appointment.~~
- ~~10.5 To make arrangements for holding the examinations.~~
- ~~10.6 To refuse the draft Order if the examiners report recommends that the draft Order is refused.~~
- ~~10.7 To hold a referendum, if the examiner's report recommends that the draft order is submitted to a referendum (with or without modifications) on the making of the Community Right To Build Order.~~
- ~~10.8 To make any modifications to the Order prior to the Referendum — note that the only modifications that can be made to the draft Order are those that the authority considers necessary for the following purposes:
  - ~~(a) To secure that the Order does not breach and is compatible with the EU obligations;~~
  - ~~(b) To secure that the Order is compatible with the Human Rights Act 1998; and~~
  - ~~(c) for the purpose of correcting errors.~~~~
- ~~10.9 The making of a Community Right to Build Order if more than half of those voting have voted in favour of the Order.~~
- ~~10.10 To defend any proceedings in Court brought by a claim for judicial review on the Order on a decision:
  - ~~(a) In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to consider a repeat proposal for the Order if a proposal is outstanding and considered to be the same or substantially the same.~~
  - ~~(b) In consultation with the Cabinet Member for Planning and Sustainability, to determine whether to decline to consider the proposal for the Order where the development falls within Annex 2 of the EIA directive, is likely to have significant effects on the environment; or likely to have significant effect on the qualifying European Site, taking into account the relevant criteria in Annex 3 to the EIA Directive.~~~~

### **NON EXECUTIVE FUNCTIONS**

#### **1. Development Control Matters**

1.1 Determination of

- (a) applications for planning ~~consent~~ permission and any other permission consent approval or request made pursuant to any provision in Part III Town and Country Planning Act 1990 (including any application that falls to the District Council to deal with pursuant to the Town and Country Planning General Regulations 1992 and/or the Town and Country Planning General Permitted Development Order 1995) or made pursuant to any permission consent approval or request granted under those provisions;
- (b) applications in respect of listed buildings and conservation areas made pursuant to any provisions of Part 1 Chapter II and Part 2 of the Planning (Listed Buildings and Conservation Areas) Act 1990 or pursuant to any consent granted under those provisions;
- (c) applications for certificates of appropriate alternative development;
- (d) applications for consent in respect of hazardous substances made pursuant to the Planning (Hazardous Substances) Act 1990.

1.2 Exercise of all powers of the Council in respect of Trees and Advertisements made pursuant to any provision of Part VIII Town and Country Planning Act 1990 (and any related regulations).

**except for:**

- (a) any application for any consent approval or determination made by the Head of Planning and Sustainability;
- (b) any decision which in the opinion of the Head of Planning and Sustainability would expose the Council to a serious risk of a substantial liability to pay any costs;
- (c) ~~determine developments~~ decisions to permit applications which represent departures from the Development Plan and falls within Tier 1 of the adopted Statement of Community Involvement , unless the Council has previously approved a departure from such policies in respect of the same or substantially the same subject matter;
- (d) any application for planning permission for “major” development (as classified by the DCLG), where any Member has notified the Head of Planning and Sustainability that the

~~(e)~~ Member objects to their exercising this authority and requests that the matter is taken to Planning Committee (and has not withdrawn that objection) so long as the notification is received before the date for receipt of comments notified to Members;

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**and subject to:**

- ~~(f)~~(e) the Head of Planning and Sustainability being satisfied that the action or decision does not fundamentally conflict with a previous decision of the Council or any predecessor body or have the effect of preventing the proper implementation of any other Council decision;
- ~~(g)~~(f) prior consultation with the Chairman, or in the Chairman’s absence their Vice-Chairman, of Planning Committee (when such appointments are in

post), where the application seeks approval for:

- (i) any application for planning permission for “minor” or householder development (as classified by the DCLG) , or listed building consent where any Member from the ward or wards in which the application is made has notified the Head of Planning and Sustainability that the Member objects to their exercising this authority and requests that the matter is taken to Planning Committee (and has not withdrawn that objection) so long as the notification is received before the date for receipt of comments notified to Members;
- (ii) the confirmation of Tree Preservation Orders where objections have been received;
- (iii) ~~determine developments decisions to permit applications~~ which represent departures from the Development Plan (with the exclusion of tier 1, District-wide developments, as defined in the Statement of Community Involvement), unless the Council has previously approved a departure from such policies in respect of the same or substantially the same subject matter.

## **2. Environmental Assessment**

- 2.1 To make all determinations in respect of the need for, scope and adequacy of any environmental impact assessment.

## **3. Development by Outside Bodies**

- 3.1 Submission of observations on development proposed by outside bodies referred to this Council as consulted authority where these do not raise major policy issues.

## **4. Planning Obligations / Legal Agreements**

- 4.1 To authorise the entering into and the approval of the terms of planning obligations or other legally binding agreements where such obligations or agreements are to be entered into pursuant to or in connection with those powers otherwise delegated to the Head of Planning and Sustainability and to authorise the discharge or modification of any such agreements.



## **5. Enforcement**

- 5.1 To authorise the exercise of the powers of the Council in respect of the enforcement of planning control in accordance with the provisions of Parts VII and VIII of the Town and Country Planning Act 1990 and Part I of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **6. Appeals**

- 6.1 If requested by the Planning Inspectorate to agree the procedure by which appeals to the Secretary of State under the Town and Country Planning legislation will be dealt with, and to take or authorise to be taken all steps or actions necessary in respect of any such appeal.

## **7. Consultations**

- 7.1 To undertake non-statutory neighbour notification and other consultations in respect of applications, entirely at his/her own discretion exercising his/her professional judgement.

## **8. Repeat Applications**

- 8.1 In accordance with powers under Section 70A of the Town and Country Planning Act 1990 to decline to determine certain applications.

## **9. Demolition**

- 9.1 To determine applications for the demolition of buildings. To determine whether prior approval is needed before the demolition may proceed and whether to approve any such details that are so submitted.

## **10. Planning (Hazardous Substances) Act 1990**

- 10.1 To authorise the exercise of the powers of the Council in respect of contraventions of hazardous substances control in accordance with the provisions of the Planning (Hazardous Substances) Act 1990;
- 10.2 To consider and decide upon the validity of claims for deemed consent under the terms of Section 11 of 1990 Act (as amended by Schedules 13 and 16 of the Environmental Protection Act 1990)

## **11. Departure Applications**

- 11.1 Determination of applications which the Council has indicated it is minded to permit and which have been advertised in accordance with statutory departure procedures, unless objections are received which, in the opinion of the Head of Planning and Sustainability raise substantial new issues not considered by the Council.

## **12. Hedgerows**

- 12.1 To serve all notices and to make all determinations required under the Hedgerow Regulations 1997 and otherwise to enforce the provisions of these regulations.

## **13. High Hedges**

- 13.1 To serve notices and take action under Part 8, Sections 68(1) (2) (3) (4) (5) (8), 69 and 70 of the Anti-Social Behaviour Act 2003.
- 13.2 In consultation with the District Solicitor to serve notices and take action under Part 8, Sections 75 and 77 of the Anti-Social Behaviour Act 2003.

#### **14. Article 4 Directions**

14.1 To authorise the making of directions under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995.

#### **GENERAL**

1. Within areas of responsibility within the remit of the relevant portfolio and in consultation with the District Solicitor, to enforce:-
  - (i) the provision of all relevant statutes and statutory instruments; and
  - (ii) the conditions attached to all orders and directions made by the Council and served by the Head of Planning and Sustainability.
2. To make application to the Local Planning Authority for work in respect of trees covered by Tree Preservation Orders on Council owned land and to arrange for the carrying out of work where approved.

## **MAJOR PROJECTS AND ESTATES EXECUTIVE**

### **EXECUTIVE FUNCTIONS**

1. To implement the Council's approved major projects within budgetary provision making such detailed decisions as are required (within corporate governance arrangements) to progress projects.
2. To promote new regeneration opportunities for approval, in line with corporate governance arrangements, including interface with those leading on highways/public realm and economic development projects across the District.
3. In consultation with the relevant Head of Service where he/she considers it appropriate the agreement and completion of any sale, purchase, agreement, lease, licence, easement or wayleave (within approved policy) up to a maximum capital value of £1,000,000 or £300,000 per annum rental value.
4. In consultation with the relevant Head of Service where he considers it appropriate to deal with assignments of leases and licences and to determine applications for any consents required under the terms of existing leases or licences.
5. To liaise with the relevant Head of Service to ensure that all unsecured land within the Council's ownership is secured against unauthorised encampments, and in consultation with the District Solicitor, to seek possession of such land.
6. To manage the High Wycombe Town Centre Market Contract and to amend the Regulations as appropriate in consultation with the District Solicitor (including alterations to bays and times adjoining public holidays).
7. Within approved policy and budget to ensure that the Council's land and property portfolio is held under constant review to:-
  - (a) ensure as far as is practicable that property acquisitions are examined and achieved in advance of programmed developments where these can be demonstrated to be to the advantage of the Council.
  - (b) develop and maintain optimum use of all property assets held by the Council to meet defined service and financial objectives.
  - (c) identify and dispose of surplus holdings by sale or lease, within the parameters set in 3 above; and
  - (d) identify and provide new accommodation as required to meet service objectives where the provision is deemed beneficial to the Council.
8. To determine the management charge to be levied under the service charge for the Lincoln Park Business Centre, to be not less than 3%.
9. To authorise service of the appropriate notice under the provisions of the Landlord and Tenant Act 1954 or any statutory replacement or re-enactment of such provisions to terminate a tenancy at the expiry of the leasehold term.
10. As the Council's designated Corporate Property Officer to establish and maintain the Council's Asset Management Plan.
11. In consultation with the relevant Head of Service and within approved budgets to deal with the appointment of external valuers to carry out valuations 12. Within areas of responsibility within the remit of the relevant portfolio and in consultation with the District Solicitor, to enforce:

- (i) the provision of all relevant statutes and statutory instruments.
  - (ii) the conditions attached to all orders and directions made by the Council and served by the Head of Planning and Sustainability.
12. Within capital provision, the Council operates a policy of purchasing land when available to meet future long term operational needs and delegated authority is granted to the relevant Head of Service in consultation with the Chief Executive, relevant Cabinet Member and Improvement and Review Commission Chairman, to implement this policy in situations where urgent action is required to acquire any specific site.

## **NON EXECUTIVE FUNCTIONS**

-

## **GENERAL**

1. In consultation with the District Solicitor to make decisions regarding the enforcement (or otherwise) of:-
  - (i) the provision of all statutes and statutory instruments within the areas of responsibility of the Head of Property Services.
  - (ii) the conditions attached to all orders and directions made by or on behalf of the Council and served by the Head of Property Services.
2. In consultation with the relevant Head of Service where he considers it appropriate the agreement and completion of any sale, purchase, agreement, lease, licence, easement or wayleave (within approved policy) up to a maximum capital value of £1,000,000 or £300,000 per annum rental value.
3. In consultation with the relevant Head of Service where he considers it appropriate to deal with assignments of leases and licences and to determine applications for any consents required under the terms of existing leases or licences.

## D - APPOINTMENT OF PROPER OFFICERS

### (a) Local Government Act 1972

Under the sections of the Local Government Act 1972, specified hereunder, the Council has designated the Proper Officer as listed together with a Deputy to act when the Proper Officer is unavailable.

#### Section or Schedule and Purpose

13(3) - Proper Officer to be appointed as Parish Trustee where there is no Parish Council

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic,

14 - and subsequent Local Election Rules together with any subsequent Representation of the People Acts and regulations made thereunder.  
Returning Officer for District and Parish Elections

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

83 - Proper Officer to witness and receive declarations of acceptance of office

**Proper Officer** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

84 - Proper Officer for receipt of resignation of Members of the Council

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

88 - Proper Officer to convene a meeting of the Council where the office of Chairman is vacant.

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

89(1)(b) - Proper Officer to receive notice of vacancy in the office of Councillor

**Proper Officer:** Chief Executive **Deputy:** Head of Democratic, Legal and Policy Services

96(1) - Proper Officer to receive general notices from Members relating to disclosures of interest in contracts, etc.

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

96(2) - Proper Officer to record and keep in a book particulars of such disclosures

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(A) - Proper Officer for designating Committee Reports "confidential" or "exempt"

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(B)(2) - Proper Officer for circulation of reports and agenda

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(B)(7)(C) - Proper Officer for supply of papers to the Press

**Proper Officer** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(C)(2) - Proper Officer for summarising minutes

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

100(D)(1) and (5) - Proper Officer for identifying background papers and preparing lists thereof, for items prepared in that department

**Proper Officer:** Relevant Head of Service whose service is preparing the item / as provided for in Divisional Scheme of Delegation.

100(F)(2) - Proper Officer for identifying papers not open to Members

**Proper Officer:** Head of Democratic, Legal and Policy Services

**Deputy:** District Solicitor

115(2) - Proper Officer to receive money due from officers

**Proper Officer:** Head of Finance and Commercial;

**Deputy:** Principal Accountant

146 - Proper Officer to certify declarations and certificates in connection with securities standing in the books of a Company

**Proper Officer:** Head of Finance and Commercial;

**Deputy:** Principal Accountant

151 - Officer responsible for the proper administration of the Council's financial affairs

**Proper Officer:** Head of Finance and Commercial

**Deputy:** Principal Accountant

191 – Proper Officer for the purpose of assisting with the Ordnance Survey of the District

**Proper Officer:** Head of Property Services

**Deputy:** As provided for in Divisional Scheme of Delegation

223 - Proper Officer to authorise or defend proceedings in Magistrates Court

**Proper Officer:** District Solicitor;

**Deputy:** Corporate Solicitor

225(1) - Proper Officer to receive documents placed on deposit with the Council

**Proper Officer:** Chief Executive;

**Deputy:** Head of Democratic, Legal and Policy Services

229 - Proper Officer to certify photographic copies of documents

**Proper Officer:** Head of Democratic, Legal and Policy Services.

**Deputy:** District Solicitor

234 - Approval service and signature of the following Notices (Section numbers relate to the relevant Sections of the Housing Act 1985):-

- |  |  |
|--|--|
| (1) Landlord's notice admitting or denying right to buy (Section 124)                      | <b>Proper Officer:</b> Head of Homes and Housing<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation  |
| (2) Landlord's offer notice (Section 125)  | <b>Proper Officer:</b> Head of Homes and Housing;<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation |
| (3) Landlord's offer of amount and terms of mortgage (Section 135)                         | <b>Proper Officer:</b> Head of Homes and Housing;<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation |
| (4) Landlord's notice admitting or denying right to a shared ownership lease (Section 146) | <b>Proper Officer:</b> Head of Homes and Housing;<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation |
| (5) Landlord's notice of initial contribution (Section 147)                                | <b>Proper Officer:</b> Head of Homes and Housing;<br><b>Deputy:</b> As provided for in Divisional Scheme of Delegation |
| (6) Landlord's first notice to complete (Sections 140 and 152)                             | <b>Proper Officer:</b> District Solicitor<br><b>Deputy:</b> Corporate Solicitor  |
| (7) Landlord's second notice to complete (Sections 141 and 153)                            | <b>Proper Officer:</b> District Solicitor<br><b>Deputy:</b> Corporate Solicitor  |



236(9) and (10) - Proper Officer to send copies of Byelaws to County and Parish Councils

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** District Solicitor

238 - Proper Officer to certify byelaws

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** District Solicitor

Schedule 3 Paragraph 6(2)  
Proper Officer to whom declarations of acceptance of office by Councillors shall be retained

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

Schedule 12 Paragraph 4(2)(b)  
Proper Officer to sign and send summons to attend meetings of the Council

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

Schedule 12 Paragraph 4(3) Proper Officer to whom Members of the Council may give notice specifying their desire that summons should be sent to an address other than their place of residence

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** Democratic Services Manager

14(25)(7) - Proper Officer to certify resolutions under the Public Health Acts 1875-1925

**Proper Officer:** Head of Democratic, Legal and Policy Services  
**Deputy:** District Solicitor

(ii) Any reference in any enactment passed before or during the 1970/71 session of Parliament other than the Local Government Act 1972, or in any instrument made before 26 October 1972, or in any local statutory provision to the officer named in the first column hereunder, which by virtue of any provisions of the Local Government Act 1972, or any order made thereunder is to be construed as a reference to the Proper Officer of the Council named in the second column hereunder; and the officer named in as a deputy shall be appointed to act if the officer named in the second column is unavailable.

Clerk of the Council or Town Clerk

**Proper Officer** Chief Executive;  
**Deputy:** Head of Democratic, Legal and Policy Services

Treasurer of the Council/Borough Treasurer or Financial Officer

**Proper Officer:** Head of Finance and Commercial;  
**Deputy:** Principal Accountant

Engineer or Surveyor of the Council or Borough Engineer or Surveyor

**Proper Officer:** Head of Property Services;  
**Deputy:** Technical FM Manager

Public Health Inspector

**Proper Officer:** Head of Environment  
**Deputy:** Environmental Health Manager

Housing Officer

**Proper Officer:** Head of Homes and Housing;  
**Deputy:** Strategy and Enabling Manager

(b) **Representation of the People Acts**

**Section or Schedule and Purpose**

Representation of the People Act 1983 onwards and any regulations made thereunder.

**Proper Officer:** Chief Executive  
**Deputy:** Head of Democratic, Legal and Policy Services

(c) **National Assistance Act 1948**

**Section or Schedule and Purpose**

47 - Removal to Suitable Premises of Persons in need of Care and Attention

**Proper Officer:** Consultant in Communicable Disease Control

(a) **Local Government and Housing Act 1989**

**Section or Schedule and Purpose**

2 - Listing and publication of politically sensitive posts

**Proper Officer:** Head of HR, ICT and Shared Support Services'

**Deputy:** As provided for in Divisional Scheme of Delegation

9 - Arrangements for appointment of political assistants

**Proper Officer:** Head of Democratic, Legal and Policy Services

**Deputy:** Head of HR, ICT and Shared Support Services

15 – 17 - To receive notification of political groups and to allocate committee seats according to political balance

**Proper Officer:** Head of Democratic, Legal and Policy Services

**Deputy:** Democratic Services Manager

(e) **Public Health (Control of Diseases) Act 1984**

**Section or Schedule and Purpose**

11 - Proper Officer to receive certificates for cases of notifiable disease and food poisoning

Consultant in Communicable Disease Control

24 29 30 and 43(1) - Proper Officer for determining infected articles not to be taken or sent to be washed or cleaned, letting of house or room after recent case of notifiable disease, duty on ceasing to occupy house after recent case of notifiable disease, removal of person who has died in hospital with notifiable disease

Consultant in Communicable Disease Control

48 - Proper Officer for determining removal of body to mortuary for immediate burial

**Proper Officer:** Consultant in Communicable Disease Control

**(a) Local Government Act 2000 and Regulations made thereunder -**

Under the provisions of the Local Government Act 2000 and the following regulations, the Council has designated the Proper Officer as listed together with a deputy to act when the Proper Officer is unavailable.

**Regulations**

The Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000

**3 -** Recording of executive decisions made at a meeting.

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** Democratic Services Manager

**4 -** Recording of executive decisions made by individuals

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** Democratic Services Manager

**5 -** Inspection of documents following executive decisions

**Proper Officer:** Head of Democratic, Legal and Policy Services;  
**Deputy:** Democratic Services Manager

**6 -** Compilation of list of background papers

**Proper Officer:** Relevant Head of Service whose service provided the item;  
**Deputy:** As Provided for In Divisional Scheme

9 - Making available for public inspection reports to be taken into consideration when key decisions are made (lists of background papers for the report)

**Proper Officer:** Relevant Head of Service whose service provided the item

**Deputy:** As provided for in Divisional Scheme of Delegation

11 - Exclusion of the whole or part of report for public meeting which relates to business to be taken in closed session.

**Proper Officer:** Head of Democratic, Legal and Policy Services;

**Deputy:** District Solicitor

Supply to newspaper of copies of certain documents

**Proper Officer:** Head of Democratic, Legal and Policy Services;

**Deputy:** Democratic Services Manager

12 - Publicity in connection with key executive decisions

**Proper Officer:** Head of Democratic, Legal and Policy Services;

**Deputy:** Democratic Services Manager

15 - Notice to Chairman / members of Improvement and Review Commission of matters to be excluded from Forward Plan and making copy of notice available for public inspection

**Proper Officer:** Head of Democratic, Legal and Policy Services;

**Deputy:** Democratic and Member Services Manager

17 - Exclusion to whole or part of a document from public inspection because it contains certain exempt information or involves disclosure of advice by political adviser or assistant

**Proper Officer:** Head of Democratic, Legal and Policy Services;

**Deputy:** District Solicitor

**The Local Authorities (Referendums)  
(Petitions and Directorates)  
(England) Regulations 2000**

**4 - Responsibilities concerning the  
“Verification Number”**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**7 - Responsibilities concerning Post-  
Announcement and Post-Direction  
petitions**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**8 - Responsibilities concerning  
amalgamation of Petitions**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**11 - Procedure on receipt of petition**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**13 - Procedure for valid petitions**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**14 - Publicity for invalid petitions**

**Proper Officer:** Electoral  
Registration Officer;  
**Deputy:** Deputy Electoral  
Registration Officer

**Localism Act 2011 and Regulations  
made thereunder** To receive  
complaints of failure to comply with the  
Code of Conduct.

**Proper Officer:**  
Monitoring Officer /  
Deputy Monitoring Officer

**3. Functions referred to in Regulation 3 (I) of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (“the Regulation”)**

- (1) The following relevant functions specified in Schedule 2 to the Regulations shall be the responsibility of the Council, or where appropriate a Council Committee or officer to which it may delegate in that behalf:
  - (a) Any function under a Local Act other than a function specified or referred to in Regulation 2 of or Schedule 1 to the Regulations.
  - (b) The determination of an appeal against any decision made by or on behalf of the Council.
  - (c) The appointment of review boards under regulations under sub-section (4) of Section 34 (determination of claims and reviews) of the Social Security Act 1998.
  - (d) The conducting of best value reviews in accordance with the provisions of any order for the time being having effect under Section 5 of the Local Government Act 1999.
  - (e) The matters referred to in paragraphs 7 and 8 of Schedule 2 regarding questions on policy matters at Council meetings; and appointment of Members under paragraphs 2 to 4 of Schedule 2 to the Police Act 1996.
  - (f) Matters referred to as excluded after paragraph 3(2)(b) below.
- (2) The following relevant functions specified in Schedule 2 to the Regulations shall be the responsibility of the Cabinet, or where appropriate a Committee of, or individual Member of the Cabinet or Officer:
  - (a) Any function relating to contaminated land.
  - (b) The discharge of any function relating to the control of pollution or the management of air quality excluding in all cases.
    - determining an application from a person for a licence, approval, consent, permission or registration
    - direct regulation of a person (with substantial discretion

- as to the regulatory action)
- enforcement of any such licence, approval, consent, permission or direct regulation
- (c) The making of agreements for the execution of highway works.
- (d) The making of agreements with other local authorities for the placing of staff at their disposal.
- (3) The following functions specified in Schedule 2 to the Regulations shall be the responsibility of either the Council (or its delegates) or the Cabinet (or its delegates), in either case to the extent that the functions relate most closely to non-executive or executive matters respectively:-
- (a) The obtaining of information under Section 330 of the Town and Country Planning Act 1990 as to the interests in land.
  - (b) The obtaining of particulars of persons interested in land under Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.
  - (c) The appointment of any individual:-
    - to any office other than an office in which he is employed by the Council;
    - to any body other than:-
      - (i) the Council
      - (ii) a joint Committee of two or more Authorities; or
    - to any Committee or Sub-Committee of such a body, and the revocation of any such appointment.



# **E – COUNCILLOR ROLES**

## **INDIVIDUAL COUNCILLOR**

### **Role**

- To participate constructively in the good governance of the District
- To act at all times in accordance with the Council's ethical and other codes of conduct and with high standards of honesty and integrity
- To develop open government by encouraging active community and individual participation in the governance of the area
- To represent effectively Ward interests
- To manage and assist with constituents' enquiries and representations
- To promote the interests and sustainability of the community in order to improve the social, economic and environmental well-being of the District
- To represent Council or the Ward on outside bodies
- To undertake training and development as appropriate in order to enhance corporate and personal effectiveness

### **Key Tasks**

- To fulfil any statutory or locally determined requirements of an elected member of a local authority
- To subscribe to, and uphold effectively, all the relevant codes of conduct and protocols on behaviour whether national or local
- To gain an understanding of internal control and risk management in order to promote sound corporate governance
- To participate fully in those decisions and activities reserved for the full Council e.g. setting budgets
- To participate effectively as a member of any committee or other body to which you may be appointed
- To represent the community to the authority and vice versa

- If appointed to an outside body, to provide two-way communication between the organisation and the Council
- To prepare annually a report on the work of any outside body to which you are appointed, in particular the use of funds contributed by the District and whether continued membership of the organisation is to the benefit of the Council or the District as a whole
- To develop and maintain a working knowledge of the Council's standing orders, terms of reference, policies and procedures
- To participate as appropriate, in consultations with the public, and local organisations
- To play a full role in the work of any inter authority committees or bodies to which you may be appointed
- To develop good working relationships with other Members and relevant officers of the authority
- If a member of a political group to be aware that the party whip is not to be applied at meetings of the Improvement and Review Commission or its Task and Finish Groups.

## **LEADER OF THE COUNCIL**

### **Role**

- To further the social, economic and environmental well-being of the community
- To provide clear political leadership to residents, stakeholders, partners and the postholder's political group in the overall
- co-ordination of Council policies, strategies and service delivery. The postholder will need to be able to demonstrate sufficient knowledge and experience to fulfil this role
- To lead Cabinet in its work to develop the policy and budget frameworks
- To contribute actively to the formation and scrutiny of the Council's strategies, policies, budgets and service delivery
- To lead the development of local initiatives designed to benefit from regional, national, European and international policies and strategic partnerships for the benefit of the District
- To motivate and develop Cabinet members to deliver the Council's strategies and policies

### **Key Tasks**

- To provide leadership to the Council and its political administration
- To represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To liaise with other Group Leaders
- To allocate Cabinet portfolios
- To direct, manage and chair meetings of the Cabinet
- To take the political lead in proposing new policy, strategy, budget and service standards as appropriate
- To act as political spokesperson for the authority or to appoint another member of the Cabinet to undertake this

- To act as political spokesperson for the Group or to appoint another Member to do so
- As a Cabinet member to share in the executive responsibility for developing and proposing overall strategy, budget, policy arrangements and service reviews
- To ensure that there is proper opportunity for the scrutiny of Cabinet decisions
- To participate in performance reviews of services if appropriate or to appoint another Member to do so
- To ensure that the Council obtains best value from its services
- To provide political direction for the Chief Executive
- To meet regularly with the Chief Executive, Corporate Directors and Heads of Service and other relevant senior officers to be briefed on key issues and delegated decisions and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **DEPUTY LEADER OF THE COUNCIL**

### **Role**

- To assist the Leader of the Council in whatever activities the Leader determines
- To deputise for the Leader in his/her absence. The postholder will need to be able to demonstrate sufficient knowledge and experience to fulfil this role
- To take particular responsibility for the training and development of all Members

### **Key Tasks**

- To assist the Leader in the formal processes and matters of the leadership
- To assist the Leader in management of the Cabinet and to take the chair of Cabinet meetings in the Leader's absence
- To assist the Leader in management of the political group
- To represent the Council or the political administration as required by the Leader
- To assist the Leader and as a Cabinet member to share in the executive responsibility for developing and proposing overall strategy, budget, policy arrangements and service reviews
- To ensure that there is proper opportunity for the scrutiny of Cabinet decisions
- To participate in reviews of services if appropriate
- To ensure that the Council obtains best value from its services
- To meet regularly with the Chief Executive, Corporate Directors and Heads of Service and other relevant senior officers to be briefed on key issues and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures

- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CABINET MEMBER WITH PORTFOLIO**

### **Role**

- To act as lead member and spokesperson for the portfolio areas allocated to him/her by the Leader of the Council. The postholder will need to demonstrate sufficient knowledge and experience to fulfil this role
- To provide political direction for the services comprised within the portfolio assigned to him/her
- To take responsibility within the Cabinet on the basis of individual and/or collective responsibility for the portfolio assigned to him/her
- To contribute actively through the portfolio responsibilities specifically, and membership of the Cabinet generally, to the formation and development of the authority's policies, budget, strategies and service delivery
- To contribute to the development of local initiatives designed to benefit from regional, national, European and international policies and strategic partnerships for the benefit of the District
- To deputise for the Leader of the Council or Deputy Leader of the Council as appropriate

### **Key Tasks**

- To participate fully in the work of the Cabinet
- To implement agreed policies by taking responsibility individually and/or collectively for any portfolio allocated by the Leader of the Council
- To take the political lead in proposing new policy, strategy, budget and service standards for his/her portfolio as appropriate
- To act as political spokesperson for his/her portfolio
- As a Cabinet member to share in the executive responsibility for developing and proposing overall strategy, budget, policy arrangements and service reviews
- To ensure that there is proper opportunity for the scrutiny of individual and Cabinet decisions relevant to his/her portfolio
- To keep Cabinet colleagues informed of current key issues within his/her portfolio
- To participate in performance reviews of services if appropriate or appoint another Member to do so

- To ensure that the Council obtains best value from its services
- To provide political direction for Corporate Directors or Heads of Service and senior officers
- To meet regularly with appropriate Corporate Directors or Heads of Service and other relevant senior officers to be briefed on key issues and to enable changes to be proposed to strategies and policies as necessary
- To seek officer advice before taking decisions
- To ensure that decisions are recorded in accordance with agreed procedures
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To maintain the principles of collective and individual responsibility within the Cabinet
- To ensure that his/her political group is briefed at the appropriate time on significant issues within his/her portfolio i.e. those which have significant financial or other major resource implications, will result in a change in established policy, or which are contentious or politically sensitive
- To represent the Council and the political administration in the community and elsewhere as required by the Leader
- To act as an 'early warning' system for all colleagues, passing on information as appropriate
- To develop effective communication with the Improvement and Review Commission Chairman
- At the request of the Improvement and Review Commission Chairman to attend meetings of the Improvement and Review Commission or its Task and Finish Groups to answer questions on specific issues
- To present proposals to the Improvement and Review Commission or its Task and Finish Groups on emerging issues
- In order to keep up to date with new developments and practices, to undertake relevant training and development.



## **MEMBER OF POLICY ADVISORY GROUP**

### **Role**

- To work informally across party lines
- To act as a member of the cross-party informal advisory group to a specified Cabinet Member
- To assist the Cabinet Member as required at, and in preparation for, the June Annual Policy Planning Day

### **Key Tasks**

- To assist the Cabinet Member with the initial development of policy ideas
- To act as a 'sounding board' for the Cabinet Member in respect of any issue on which advice may be sought
- To carry out research as appropriate in relevant areas at the request of the Cabinet Member
- To meet regularly with appropriate Corporate Directors or Heads of Service and other relevant senior officers to keep up to date on key issues and to enable changes to be proposed to strategies and policies as necessary
- To maintain regular contact with non executive councillors, community representatives and other local stakeholders and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with all Members and officers
- To act as an 'early warning' system for all colleagues, passing on information as appropriate
- To develop effective communication with the relevant Scrutiny Chairman
- To maintain confidentiality
- To assist in presenting proposals to the Improvement and Review Commission on emerging issues
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CHAIRMAN OF THE COUNCIL**

### **Role**

- To be the first citizen of the District
- To provide a ceremonial focus for the District
- To lead in major events, e.g. receiving royalty in the District
- To act as an impartial and politically neutral Chairman for meetings of the full Council or other meetings, as appropriate, particularly consultation meetings

### **Key Tasks**

- To chair all meetings of the full Council
- To chair major consultation meetings organised by the Council
- To set the standard of conduct to be expected from all Councillors
- To help represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To respond to correspondence received on behalf of the Council and to initiate correspondence on behalf of the Council as appropriate
- To attend functions appropriate to the position of Chairman of the Council
- To host an annual reception and other smaller appropriate functions as necessary
- To act as host to visiting royalty, civic dignitaries and other important visitors
- To act as consultee when the Chief Executive is considering appeals from any complaints where a complainant is dissatisfied with the response received from a Directorate
- To be available for approximately 2 hours per week to sign documents that have been sealed on behalf of the Council
- To liaise with the Mayor / Town Clerk to ensure that the diaries of the Chairman and Charter Trustee Mayor are as complementary as possible

- To ensure that if he or she is unable to attend any event, that the Vice Chairman of Council will attend if possible
- Whilst not a member of either, to be authorised to attend meetings of the Cabinet (whether public or private meetings) and meetings of the Improvement and Review Commission with observer status to ensure that he or she is fully aware of current issues
- To seek officer advice before taking decisions on ceremonial or procedural matters
- To maintain regular contact with all councillors, community representatives and other local stakeholders and to take account of their views
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **VICE - CHAIRMAN OF THE COUNCIL**

### **Role**

- To assist the Chairman of the Council in whatever appropriate activities the Chairman requests
- To deputise for the Chairman of the Council in his or her absence
- To be a member of the Improvement and Review Commission if he or she so wishes

### **Key Tasks**

- To assist the Chairman of the Council in the ceremonial business of the Council
- To chair meetings of the full Council or major consultation meetings organised by the Council in the absence of the Chairman
- To assist the Chairman in setting the standard of conduct to be expected from all Councillors
- To help represent the Council in the community and in discussions with regional, national, European and international organisations and others
- To attend functions appropriate to the position of Chairman of the Council if requested to do so by the Chairman
- To assist the Chairman of the Council in hosting an annual reception and other smaller appropriate functions as necessary
- In the absence of the Chairman of the Council, to act as host to visiting royalty, civic dignitaries and other important visitors
- In the absence of the Chairman of the Council to be available for approximately 2 hours per week to sign documents that have been sealed on behalf of the Council
- Wherever possible, to attend any event that the Chairman of Council is unable to attend
- To seek officer advice before taking decisions on ceremonial or procedural matters
- To assist the Chairman of the Council in maintaining regular contact with all councillors, community representatives and other local stakeholders and to take account of their views
- In order to keep up to date with new developments and practices, to undertake relevant training and development.

## **CHAIRMAN OF STANDARDS COMMITTEE**

### **Role**

- To lead the work of the Council's Standards Committee
- To promote high standards of conduct throughout the District Council and the Parish Councils within its area
- To lead the development of appropriate training both for the Committee and all District and Parish Members
- To ensure that any matters referred to the Standards Committee are considered properly and in accordance with the Codes of Conduct currently in force and the protocols and standards of conduct as adopted by the Council

### **Key Tasks**

- To chair meetings of the Standards Committee
- To ensure that all matters before the Committee are investigated in accordance with current legislation and the principles and policies of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To ensure that all Members are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with all Members to ensure that the Committee is aware of any issues which may be relevant to its work
- To meet regularly with relevant senior officers (and especially the Monitoring Officer) to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF REGULATORY AND APPEALS COMMITTEE**

### **Role**

- To lead the work of the Council's Regulatory and Appeals Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to the Regulatory and Appeals Committee are considered properly and in accordance with current legislation and any protocols and procedures adopted by the Council

### **Key Tasks**

- To chair meetings of the Regulatory and Appeals Committee
- To ensure that all matters before the Committee are considered in accordance with current legislation, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To ensure that the principles of natural justice and the provisions of the Human Rights Act are applied in any hearings
- To ensure that all appellants are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF PLANNING COMMITTEE**

### **Role**

- To lead the work of the Council's Planning Committee
- To ensure that all matters considered by the Planning Committee are considered properly and in accordance with the Codes of Conduct currently in force and the additional planning guidance as set out in the Members' Handbook
- In accordance with the terms of reference of the Committee, to ensure that any application that may give rise to substantial costs or legal action against the Council, or be substantially inconsistent with policy, or any other matters requiring full Council approval are referred to full Council for determination
- To ensure that all Members of the Committee undertake appropriate training upon initial appointment and on an ongoing basis

### **Key Tasks**

- To chair meetings of the Planning Committee
- To ensure that all matters before the Committee are determined in accordance with current legislation and the principles and policies of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To manage the process of public speaking to ensure that speakers are treated courteously, fairly and impartially
- To ensure that the views of local Members (to the extent that they are material considerations) are taken into account and that local Members have the opportunity to make representations to the Committee on matters affecting their Wards
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To play an active role in any Best Value reviews
- To maintain regular contact with all Members to ensure that the Committee is aware of any issues which may be relevant to its work

- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference
- To act as consultee with Head of Planning and Sustainability in respect of delegated authority given to that officer in respect of:
  - confirming Tree Preservation Orders in the light of any objections received
  - determination of developments which represent departures from the Development Plan (with the exclusion of Tier 1 District-wide developments)
  - determination of Householder, Listed Building Consent, Conservation Area Consent and 'minor' developments.



## **MEMBER OF PLANNING COMMITTEE**

### **Role**

- To participate fully and constructively in the work of the Council's Planning Committee
- To act on behalf of the Council as a whole in the work of the Committee
- To ensure that all matters considered by the Planning Committee are considered properly and in accordance with the Codes of Conduct currently in force and the additional planning guidance as set out in the Members' Handbook
- To undertake appropriate training both on initial appointment and on an ongoing basis

### **Key Tasks**

- To determine all matters before the Committee in accordance with current legislation and within the principles and policies of the Council currently in force
- To accord all members of the public addressing the Committee a fair and impartial hearing
- To take into account the views of local Members on matters affecting their Wards
- To maintain political impartiality in the work of the Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To play an active role in any reviews if requested to do so by the Chairman of the Planning Committee or the Chairman of the Improvement and Review Commission
- At the request of the Chairman of the Planning Committee, to participate in such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF HIGH WYCOMBE TOWN COMMITTEE**

### **Role**

- To be the formal link between the Committee and the appropriate Cabinet Member(s) or Committee Chairman
- To ensure that any issues referred to the Committee by the Council, the Cabinet or a Committee are properly considered
- To advise the Cabinet, the Council or appropriate Committees of issues affecting High Wycombe on which decisions are to be made
- To lead and undertake relevant training and development

### **Key Tasks**

- To chair the High Wycombe Town Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with all Members, officers, community representatives and local stakeholders to inform effective consideration of issues affecting High Wycombe
- To lead the consideration of any draft policy proposals referred to his/her Committee by the Cabinet
- To develop effective communication with the appropriate Cabinet Member(s) or Committee Chairman responsible for the service areas within the Committee's remit
- To ensure that he/she is fully aware of the Cabinet Forward Programme and that his/her Committee is able to consider relevant issues within the time scale set
- To consider and advise the Cabinet or relevant Committee on any issues affecting High Wycombe
- To invite Cabinet Members and officers to attend meetings of the Committee
- In partnership with appropriate senior officers, to contribute to the agenda for formal meetings of the Committee
- To undertake such meetings as are necessary for effective and efficient functioning of the Committee within its terms of reference
- To make recommendations to the Cabinet in respect of Special Expenses

## **CHAIRMAN OF JOINT STAFF COMMITTEE**

### **Role**

- To lead the work of the Council's Joint Staff Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters raised by or referred to the Joint Staff Committee are considered properly and in accordance with current legislation and any protocols and procedures adopted by the Council

### **Key Tasks**

- To chair meetings of the Joint Staff Committee
- To ensure that all matters before the Committee are considered in accordance with current legislation, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee is politically impartial
- To discuss issues affecting staff within the Council with appropriate Members and officers, excluding individual disciplinary, promotion or efficiency issues
- To ensure that issues affecting terms and conditions of all or a majority of staff are considered and any matters necessary recommended to the Personnel and Development Committee
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF PERSONNEL AND DEVELOPMENT COMMITTEE**

### **Role**

- To lead the work of the Council's Personnel and Development Committee and Joint Staff Committee
- To lead the development of appropriate training for the Committee and Members generally
- To ensure that any matters referred to the Personnel and Development Committee or the Joint Staff Committee are considered properly

### **Key Tasks**

- To chair meetings of the Personnel and Development Committee in accordance with current legal requirements
- To manage the meetings of the Committee so that all items are considered fairly and in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with the appropriate Cabinet Member, other Members and Officers as appropriate to ensure that the Committee is aware of any issues which may be relevant to its work
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF AUDIT COMMITTEE**

### **Role**

- To lead the work of the Council's Audit Committee
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to or originated by the Committee are considered properly

### **Key Tasks**

- To chair meetings of the Audit Committee in accordance with current legal requirements
- To manage the meetings of the Committee so that all items are considered fairly and in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To maintain regular contact with the appropriate Cabinet Member, the Chairman of the Improvement and Review Commission, other Members and Officers as appropriate to ensure that the Committee is aware of any issues which may be relevant to its work
- To ensure that the Committee meets the Council's external auditors annually
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CABINET / COUNCIL SPOKESMAN**

### **Role**

- To present reports to Cabinet in the absence of the relevant Cabinet Member, but not to vote or take part in any decision making
- To respond to questions (public and Member) at Council in the absence of the relevant Cabinet Member
- To actively support the relevant Cabinet Member by keeping abreast of issues in his/her portfolio, internally and externally
- To contribute actively to the formation and development of the authority's policies, budget, strategies and service delivery
- To contribute as appropriate, to the development of local, regional, national, European and international policies and strategic partnerships for the benefit of the District
- To deputise for the relevant Cabinet Member at meetings and events and be empowered to represent the Cabinet Members' views as appropriate.

### **Key Tasks**

- To develop the knowledge and experience of the particular areas on which he/she is acting as spokesman to be able to represent the Council's interests both internally and externally
- To seek officer advice before proposing decisions or actions to Cabinet or individual Cabinet Members
- To maintain regular contact with non executive councillors, community representatives, other local stakeholders and officers, and to take account of their views in order to ensure that decisions are well informed and that Council policies are widely understood and positively promoted
- To maintain professional working relationships and establish mutual respect with appropriate Members and officers
- To act as a conduit for all colleagues, passing on information as appropriate

### **Note**

- Cabinet Spokesmen have no decision-making powers in relation to executive decision making either by Cabinet as a whole, or by individual Cabinet Members.

## **CHAIRMAN OF LICENSING COMMITTEE**

### **Role**

- To lead the work of the Council's Licensing Committee and its Panels
- To lead the development of appropriate training for the Committee
- To ensure that any matters referred to the Licensing Committee and its Panels are considered properly

### **Key Tasks**

- To chair meetings of the Licensing Committee in accordance with current legal requirements
- To manage meetings so that all matters before the Committee and its Panels are considered in accordance with current legislation, government guidance, best practice and the principles, policies and procedures of the Council currently in force
- To ensure that the work of the Committee and its Panels is politically impartial
- To ensure that the principles of natural justice and the provisions of the Human Rights Act are applied in any hearings
- To ensure that all parties are treated courteously, fairly and impartially
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Committee's terms of reference
- To meet regularly with relevant senior officers to ensure the receipt of appropriate independent advice
- To liaise with the relevant Cabinet Member as appropriate
- To undertake such other meetings as may be necessary for the effective and efficient functioning of the Committee within its terms of reference

## **CHAIRMAN OF IMPROVEMENT AND REVIEW COMMISSION**

### **Role**

- To lead the improvement and review process effectively
- To programme and allocate tasks to Task and Finish Groups within an annual Council approved programme
- To ensure that clear terms of reference and timescales are set for each project assigned to a Task and Finish Group
- To chair a Task and Finish Group if appropriate
- To be the formal link between the Commission and the Cabinet Member or Committee Chairman as appropriate
- To ensure that any issues referred to the Commission by the Cabinet, a Cabinet member or a Committee are properly considered
- To assemble and present reports to Council (including minority reports) and Cabinet
- To lead relevant training and development for Members of the Commission and its Task and Finish Groups

### **Key Tasks**

- To chair the Improvement and Scrutiny Commission
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Commission's terms of reference as set out in Article 6 of the Constitution
- To draw up an Annual Programme of improvement work in consultation with the Cabinet, non-executive Members and senior officers, taking into account the views of community representatives and local stakeholders to achieve a balance of service and community concerns
- To maintain regular contact with all Members, officers, community representatives and local stakeholders to inform effective scrutiny of policies, strategies, budgets and performance
- To lead the consideration of draft policy or budget proposals referred to the Commission by the Cabinet in accordance with the Policy and Budget Framework Rules



- To develop effective communication with the Cabinet and Committee Chairmen
- To be fully aware of the Cabinet Forward Programme so that the Commission or a Task and Finish Group is able to consider relevant issues within the timescale set by the Council
- To invite Cabinet Members, Committee Chairmen and officers to attend meetings of the Commission
- When seeking Cabinet Members, officers or other witnesses to appear before the Commission, to co-ordinate the questions to be asked, submitting in advance a list of the issues to be discussed or requests for detailed information, and ensuring that a summary of the discussion and progress made is circulated following the meeting
- In partnership with appropriate senior officers, to contribute to the agenda for formal meetings of the Commission
- To meet regularly with relevant senior officers to ensure the receipt of appropriate "independent" advice to inform effective scrutiny
- To oversee publication of reports, plans and statements to Council and elsewhere from the Commission
- To ensure the Commission is able to give advice to the Cabinet, Council Committees and senior officers within the framework of policies set by the Council
- To undertake such other meetings as are necessary for effective and efficient functioning of the Commission within its terms of reference
- To consult with the Chairman of Personnel and Development Committee and the Deputy Leader of the Council to ensure that the training requirements of members of the Commission and the Task and Finish Groups are identified and that suitable briefings or training sessions are arranged as appropriate
- To liaise with the Chairmen of the Task and Finish Groups in order to ensure effective co-ordination of Improvement and Scrutiny work and avoid a proliferation of meetings

## **VICE-CHAIRMAN OF IMPROVEMENT AND REVIEW COMMISSION**

### **Role**

- To assist the Chairman in leading the improvement and scrutiny process effectively
- To deputise for the Chairman in his/her absence
- To assist the Chairman in programming and allocating tasks to Task and Finish Groups within an annual Council approved programme
- To assist the Chairman in ensuring that clear terms of reference and timescales are set for projects assigned to Task and Finish Groups
- To chair a Task and Finish Group if requested to do so
- To assist the Chairman in linking between the Commission and the Cabinet Members or Committee Chairmen as appropriate
- To assist the Chairman to ensure that any issues referred to the Commission by the Cabinet, a Cabinet member or a Committee are properly considered
- To assemble and present reports to Council (including minority reports) and Cabinet as appropriate or at the request of the Chairman
- To assist in the organisation of relevant training and development for Members of the Commission and its Task and Finish Groups

### **Key Tasks**

- To chair the Improvement and Scrutiny Commission in the Chairman's absence
- To develop and maintain a working knowledge of the practices, procedures, services and functions which fall within the Commission's terms of reference as set out in Article 6 of the Constitution
- To assist in drawing up an Annual Programme of improvement work in consultation with the Cabinet, non-executive Members and senior officers, taking into account the views of community representatives and local stakeholders to achieve a balance of service and community concerns
- To maintain regular contact with all Members, officers, community

representatives and local stakeholders to inform effective scrutiny of policies, strategies, budgets and performance

- To assist the Chairman by taking a lead role in the consideration of draft policy or budget proposals referred to the Commission by the Cabinet in accordance with the Policy and Budget Framework Rules
- To develop effective communication with the Cabinet and Committee Chairmen
- To be fully aware of the Cabinet Forward Programme so that the Commission or a Task and Finish Group is able to consider relevant issues within the timescale set by the Council
- At the Chairman's request, when Cabinet Members, officers or other witnesses appear before the Commission, to co-ordinate the questions to be asked, submitting in advance a list of the issues to be discussed or requests for detailed information, and ensuring that a summary of the discussion and progress made is circulated following the meeting
- In partnership with the Chairman and appropriate senior officers, to contribute to the agenda for formal meetings of the Commission
- To meet regularly with relevant senior officers to ensure the receipt of appropriate "independent" advice to inform effective scrutiny
- At the Chairman's request, to oversee publication of reports, plans and statements to Council and elsewhere from the Commission
- To assist the Chairman in ensuring that the Commission is able to give advice to the Cabinet, Council Committees and senior officers within the framework of policies set by the Council
- To undertake such other meetings as are necessary for effective and efficient functioning of the Commission within its terms of reference
- To assist the Chairman, the Chairman of Personnel and Development Committee and the Deputy Leader of the Council to identify the training requirements of members of the Commission and the Task and Finish Groups and arrange for suitable briefings or training sessions as appropriate
- To assist the Chairman in liaising with the Chairmen of the Task and Finish Groups in order to ensure effective co-ordination of Improvement and Scrutiny work and avoid a proliferation of meetings

## **Part 3**

# **Procedure Rules Standing Orders**

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## **Council Procedure Standing Orders**

### **Standing Order**

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## **A WYCOMBE DISTRICT COUNCIL PROCEDURAL STANDING ORDERS**

### **STANDING ORDER 1 MEETINGS OF THE COUNCIL**

#### **Date of Annual Meeting of the Council**

1. The Annual meeting of the Council shall be held
  - a) in the year of election of District Councillors within 21 days of retirement.
  - b) in any other year on the second Monday in May

#### **Dates of Other Meetings of the Council**

2. Ordinary meetings of the Council shall be held on such days as shall be fixed by the Council or in accordance with the approved scheme of delegation.

#### **Calling Extraordinary Meetings by the Chairman**

3. The Chairman of the Council may call an Extraordinary meeting of the Council at any time.

#### **Requisitioning an Extraordinary Meeting**

4. If the Chairman does not call an Extraordinary meeting within seven days of receiving a requisition for that purpose signed by five members, then any five members on the expiry of seven days, may immediately call an Extraordinary meeting of the Council.
5. Where the Chairman has received a requisition for an Extraordinary meeting, the Extraordinary meeting shall be held within fifteen working days of the date of the receipt of the requisition.

#### **Location and Times of Council Meeting**

6. Meetings of the Council shall normally be held at the District Council Offices, Queen Victoria Road, High Wycombe and shall commence at 6.30pm unless the Council or the Chairman of the Council decides otherwise.
7. Six clear days at least before a Council meeting, notice of the time and place of that intended meeting shall be published. At the discretion of the Chairman of the Council, or in his absence, the Vice Chairman of the Council, the period of notice may be reduced to 5 clear days, or less in the case of urgency.
8. Council Meetings may be held at other times and in other locations with the agreement of the Chairman of the Council.

#### **Footnotes**

- (1) District Councillors are required by law to retire on the first Monday after the elections.
- (2) Standing Orders 1(4) and (5) reflect the statutory rights of members to requisition an Extraordinary meeting of the Council as provided for in Schedule 12 of the Local Government Act 1972.

## **STANDING ORDER 2**

### **ELECTION OF CHAIRMAN**

1. The Chairman of the Council shall be a serving member and shall be elected at the Annual Meeting each year.
2. Unless resigning or becoming disqualified, the Chairman shall continue to be a Member and remain in office until a successor is elected.
3. In an election year, the Chairman shall continue to be a Member of the Council until a successor is appointed at the Annual Meeting.
4. If the Chairman would have ceased to be a Member of the Council if it were not for Standing Order 2.2, the Chairman cannot vote in the election unless there is an equality of votes when the Chairman must exercise a casting vote.
5. In the event that the position of Chairman shall become vacant during the course of a Municipal Year, the Vice-Chairman shall assume the role of Chairman with immediate effect, and that this shall be reported to the next ordinary Full Council meeting for ratification. An Election for a new Vice Chairman for the remainder of the Municipal Year shall then take place at the same meeting.

## **STANDING ORDER 3**

### **APPOINTMENT OF VICE-CHAIRMAN**

1. The Vice-Chairman of the Council shall be a serving Member and shall be elected at the Annual Meeting each year.
2. Unless resigning or becoming disqualified, the Vice-Chairman shall continue to be a Member and remain in office until a successor is elected.
3. The Vice-Chairman is authorised to exercise all duties undertaken by the Chairman.

## **STANDING ORDER 4**

### **POWERS OF THE CHAIRMAN**

1. Any power or duty assigned to the Chairman relating to the conduct of a meeting may in the Chairman's absence be exercised by the person presiding at the meeting.

## **STANDING ORDER 5**

### **APPOINTMENT OF LEADER OF THE COUNCIL**

1. The Leader of the Council shall be a serving member of the Council and shall be elected at the first Annual Meeting of an administration following an election for a period of 4 years.
2. The Leader's term of office is extended beyond the fourth day after the local elections to run up to the first Annual meeting after the Leader's normal day of retirement.
3. The Leader may only be removed from office by a resolution of the Council. The Leader will automatically cease to be so upon death or disqualification.
4. The Leader may nominate a Deputy Leader who may exercise any portfolio responsibilities of the Leader. The Leader may also appoint or remove other Cabinet Members, and/or object to senior officer appointments and dismissals.



5. Where there is a clear political majority, it shall be for that party to put forward a name for election at the Annual Meeting.
6. Where there is no overall political majority, two or more parties may form a joint administration and put forward a name for election as Leader of the Council.
7. Where there is no agreement between parties for a joint administration, the presumption shall be that any party holding more than 20% of the total membership of the Council shall be entitled to a seat on the Cabinet. Nominations for Leader may then be made at the Annual Meeting from amongst those names.

## **STANDING ORDER 6**

### **QUORUM**

1. The quorum for the Council is one quarter of the whole number of members of the Council.
2. If during any meeting of the Council the number of members present does not form a quorum then the Chairman of the Council shall adjourn the meeting and arrange another date and time, or if no such date and time are fixed by the Chairman any unfinished business before the Council shall be considered at the next ordinary meeting of the Council.
3. See Standing Order 14.38 for procedure to be followed in the event of an adjournment.
4. If within 15 minutes of the start time of the commencement of the meeting a quorum is not present, the meeting shall be dissolved

### **Quorum of Committees**

5. No business shall be transacted at any committee meeting unless at least one quarter of that committee membership is present, and in every instance at least 3 members are present unless
  - a) where authorised by statute; or
  - b) the Council has so ordered

## **STANDING ORDER 7**

### **ORDER OF BUSINESS**

1. Except as provided by paragraph 2 of this Standing Order the order of business if relevant at meetings of the Council shall be:
  - a) At the annual meeting of the Council to elect a Chairman, Vice-Chairman and Leader of the Council
  - b) If the Chairman and Vice-Chairman are absent, to choose a person to preside (such a person not being a member of the Cabinet)
  - c) To deal with any business required by statute to be done before any other business
  - d) To approve as a correct record the minutes of the last meeting of the Council.
  - e) To receive any apologies for absence
  - f) To receive declarations of interest
  - g) Chairman's Announcements

- h) Public speaking (not exceeding 30 minutes)
  - i) Questions to the Leader and Cabinet Members (not exceeding 30 minutes)
  - j) To dispose of business (if any) remaining from the last Council meeting
  - k) To deal with any other business required by statute to be done
  - l) Petitions
  - m) To receive and consider reports of the Cabinet, the Leader and/or Cabinet Members
  - n) At the appropriate Council meeting to receive and consider the report of the Cabinet regarding consolidated Revenue Estimates and the recommendation in respect of Council Tax and associated calculations for the next financial year.
  - o) To receive and consider reports of Improvement and Scrutiny Committees
  - p) To receive and consider reports from any other Committees
  - q) To move notices of motion in the order in which they have been received
  - r) To answer questions asked under Standing Order No 11
  - s) To receive and consider any urgent Chief Officers' reports
  - t) Other business specified in the agenda
2. The order of business may be varied at any meeting
- a) at the Chairman's discretion;
  - b) by a resolution passed on Motion (which need not be in writing) duly moved and put without discussion, and which may be moved at any time, but such variation shall not displace business falling under items (a)(b)(c) or (d) of paragraph 1.

### **Urgent Business**

3. The Chief Executive in consultation with the Chairman of any meeting, may, notwithstanding that the same is not specified in the agenda, bring before the meeting any item of business which the Chief Executive considers is of such an urgent nature that it is necessary to do so, subject to compliance with Section 100B of the Local Government Act 1972.
4. Committees and Sub-Committees of the Council (including Improvement and Review Commission) shall consider the following business in accordance with legislative requirements:
- a) minutes of last meeting
  - b) Declarations of Interest
  - c) the business otherwise set out in the agenda for the meeting or otherwise as authorised by statute

In addition, Improvement and Review Commission shall consider:

- a) any matter referred to the Commission for decision in relation to call-in of a decision and
- b) responses of the Cabinet to reports of the Improvement and Review Commission.

## **STANDING ORDER 8**

### **MINUTES**

1. The Chairman shall put the question that the minutes of the last meeting of the Council be signed as a correct record.
2. The minutes of any Council meeting can be submitted to the next ordinary meeting of the Council for confirmation, rather than to any extraordinary meeting called in the interim.

### **Accuracy of minutes**

3. No discussion shall take place upon the minutes, except upon their accuracy. The mover's speech shall be confined to a specification of the inaccuracy and a proposal for rectification. If no such question is raised, or if raised, as soon as it is disposed of, the Chairman shall sign the minutes.

### **Signing Minutes**

4. The Chairman shall sign the minutes once their accuracy has been agreed.

## **STANDING ORDER 9**

### **PETITIONS**

#### **Petitions to the Council**

1. The substance of a petition presented at a meeting of the Council shall be briefly summarised by the Member of the Council or the member of the public who presents it. It will then be dealt with in accordance with the approved Petition Scheme.
2. If the matter is referred to Cabinet for consideration, the Member of the Council or the member of the public may attend the meeting concerned to present and speak to the petition.
3. If the petition includes 8000 signatures this will trigger a debate at the next meeting of full Council. The petition organiser will be given five minutes to present the petition at the meeting and Councillors will then discuss the petition for a maximum of 15 minutes. 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 or cabinet.
4. For local issues which only affect one ward, the trigger for a full Council debate will be 500 (at the discretion of the Head of Democratic, Legal, and Policy Services).

#### **Wycombe District Council Petitions Scheme**

5. 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 14 days of receipt. This acknowledgement will set out what we plan to do with the petition.

#### **Paper petitions can be sent to:**

The Head of Democratic, Legal and Policy Services  
Wycombe District Council  
Queen Victoria Road  
High Wycombe HP11 1BB

Or be created, signed and submitted online ([www.wycombe.gov.uk](http://www.wycombe.gov.uk))

### **What are the guidelines for submitting a petition?**

#### **6. 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 names and address and signature of at least 10 people supporting the petition who live, work or study in the District.
- 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. 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?**

7. An acknowledgement will be sent to the petition organiser within 14 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.
8. If the petition applies to a planning or licensing application, or is a statutory petition (for example requesting a referendum on having an elected mayor), or is on a matter where there is already an existing right of appeal, such as Council tax banding and non-domestic rates, other procedures apply.
9. The Council will not take action on any petition which is considered to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.
10. To ensure that people know what the Council is doing in response to the petitions, the details of all the petitions submitted to the Council will be published on its website, except in cases where this would be inappropriate. Whenever possible the Council will also publish all correspondence relating to the petition (all personal details will be removed).
11. When an individual signs an e-petition, he/she can elect to receive this information by email. The Council will not send anything which is not relevant to the e-petition which has been signed.

### **How will the Council respond to petitions?**

10. The response to a petition will depend on what a petition asks for and how many people have signed it.
11. The following is the minimal response that can be expected depending on the number of signatures:
  - Less than 200: a response from the relevant officer
  - 200 – 1,500: a response from the relevant Cabinet Member

- 1,501 – 7,999: referral to the Cabinet
- 8,000 – debate at the meeting of full Council. This means that the issue raised in the petition will be discussed at a meeting which all Councillors can attend. The petition organiser will be given five minutes to present the petition at the meeting and Councillors will then discuss the petition for a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting, and 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. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.
- For local issues which only affect one ward, the trigger for a full Council debate will be 500 (at the discretion of the Head of Democratic, Legal, and Policy Services). The lead petitioner will be advised on the reason if this is not accepted as a local issue.
- If the petition is about something over which the Council has no direct control (for example the local railway or hospital), the Council will aim to make representations on behalf of the community to the relevant body if considered appropriate. The Council works with a large number of local partners and where possible will work with these partners to respond to the petition. If the Council is not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then the reasons for this will be sent to the lead petitioner.
- If the petition is about something that a different Council is responsible for, the Council will give consideration to what the best method is for responding to it. It might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event, the Council will always notify the lead petitioner of the action taken.
- No repeat or similar petitions will be accepted within a six month period.

## **STANDING ORDER 10**

### **PUBLIC SPEAKING**

1. Members of the public may ask questions of the Leader of the Council or any Cabinet Member at ordinary meetings of the Council.
2. Questions must be submitted in writing to the Head of Democratic, Legal and Policy Services not later than 12 noon, 5 working days before the Full Council meeting.
3. Questions will be asked in the order in which they are received. No individual or organisation may submit more than one question at any meeting. A question may be rejected if
  - (a) It is not about a matter for which the District Council has a responsibility or which affects the District;
  - (b) Is defamatory, frivolous, or offensive;
  - (c) Is substantially the same as a question that was put to a Council meeting during the past six months;
  - (d) Requires the disclosure of confidential or exempt information.

4. A questioner may also put one supplementary question without notice, provided that it does not introduce a new topic.
5. The questioner shall have a maximum of 1 minute to ask a question, and the answer shall not exceed 3 minutes. A questioner shall then have a maximum of 1 minute to ask a supplementary question, and the answer shall not exceed 2 minutes. Question time shall not exceed 30 minutes in total.
6. Any question that cannot be dealt with during the public question time will be given a written answer.
7. Where a member of the public is unable through absence to put a question under Standing Order 10.1 when it is reached on the agenda, such question shall be treated as withdrawn. However, if the questioner has informed the Head of Democratic, Legal and Policy Services in writing prior to the meeting that another person will be present to ask the question, then that person may do so.

## **STANDING ORDER 11**

### **MEMBER QUESTIONS AT COUNCIL MEETINGS**

1. (a) At any Council meeting a Member may ask the Leader, or a Cabinet Member or a Chairman of a Committee, any questions or make any comment on an item in the minutes or report that that body is submitting for consideration at the full Council meeting
- (b) Every question or comment shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.
- (c) An answer may take the form of a direct oral answer, a reference to a relevant Council publication containing the answer, or if the reply cannot conveniently be given orally, by a written answer which may be circulated to all Members of the Council if so desired.
- (d) No question or answer under the above provisions shall exceed 2 minutes.
2. (a) At any Council meeting, a Member may ask the Leader, or a Cabinet Member, or a Chairman of a Committee any question upon any matter in relation to which the Council has powers or duties or which affects the District, subject to notice being given in writing to the Head of Democratic, Legal and Policy Services no later than 12 noon, 5 working days before the Full Council meeting.
- (b) A written answer will be circulated to all Members at the meeting and included in the Minutes of the Meeting. There will be no discussion.
3. In addition to the above provisions, there shall be a period of 30 minutes or at the Chairman's discretion immediately following the time allocated for public speaking, when Members may ask oral questions of the Leader or a Cabinet Member in accordance with the following procedure.
  - (a) No question or answer shall disclose any information which is of a confidential or exempt nature. A Member shall have a maximum of 1 minute to ask a question and the Member responding shall have a maximum of 3 minutes to do so.
  - (b) Questions shall be taken first from the Group Leaders of the political parties who shall be entitled to ask one initial Leader's question each, including the right to adopt another Member's question from his/her Group, subject to the

Code of Conduct for Members and to that Member's consent of which written notice shall have been given to the Head of Democratic, Legal and Policy Services prior to the meeting. The order of questions shall then permit the first question from each other Councillor to be asked before any subsequent questions from the same Councillor. One question will be taken in turn from each Councillor and there shall be no consecutive questions from the same Councillor unless there are no other questions to be asked.

- (c) Every question will be put and answered without discussion and no resolution may be moved on a question or reply. Alternatively, a written reply may be sent or the questioner may be referred to a Council publication. Written replies shall be circulated to all Members and recorded after the end of the Council minutes.
- (d) Every person asking an oral question shall be entitled to ask one supplementary question, providing it introduces no new matter. A Member shall be allowed up to a maximum of 1 minute to put a supplementary question, and the member responding shall have up to a maximum of 2 minutes to do so.
- (e) The Chairman may reject a question if it is substantially the same as a question that was put to a Council meeting during the past six months.
- (f) Unless the Chairman agrees an extension, any questions remaining unanswered after 30 minutes will be answered within 10 working days in writing after the meeting by the appropriate Member, and appended to the minutes of the meeting.
- (g) Where a Member is unable through absence to put a question under Standing Order 11.3 when it is reached on the agenda, such question shall be treated as withdrawn.

## **STANDING ORDER 12**

### **NOTICES OF MOTION**

#### **Deadline for receipt of motions**

1. Except for Motions under Standing Order No 13 which may be moved without notice, every notice of motion shall be given in writing, signed by the member or members of the Council giving the notice, and delivered by 12 noon 11 days before the appropriate Council meeting, to the Head of Democratic, Legal and Policy Services, by whom it shall be dated and entered in a book which shall be open to the inspection of every Member of the Council during normal office hours.

#### **Motions to be set out in summons**

2. The Head of Democratic, Legal and Policy Services shall set out in the agenda for every meeting of the Council all notices of motion given in the order in which they have been received, unless a Member when giving notice has stated in writing that the motion will be moved at some later meeting or the motion has since been withdrawn in writing.

#### **Scope of Motions**

3. Every notice of motion shall be relevant to some matter in relation to which the Council has powers or duties. The District Solicitor shall determine whether the motion may be debated and can be accepted for submission to the Council meeting.

### **Motions not Moved**

4. Subject to Standing Order 12.5 a Member giving a notice of motion under Standing Order 12.1 shall move the motion. If the motion is not moved it shall, unless postponed by consent of the Council, be treated as abandoned and shall not be moved without fresh notice.
5. Where a Member is unable through absence to move a motion under Standing Order 12.1 that Member may, in writing, and with the consent of the Chairman, assign the right to move the motion to another Member.

### **References of Motion to other Bodies or Individuals**

6. Motions for which notice has been given under Standing Order 12.1 shall, upon being formally moved and seconded, stand referred without any discussion to a Committee, the Leader, the Cabinet, or Cabinet Members as the Council may determine for consideration and report unless Standing Order 12.8 is invoked.
7. The body or person referred to in 12.6, shall report back (by way of recommendation) to the next ordinary meeting of the Council or such other meeting of the Council as the Council may determine and the report shall advise the Council as to whether or not the motion should be adopted or give such other advice as is appropriate.
8. The Chairman may allow any motion to be dealt with at the meeting at which it is moved.
9. If the Chairman does not exercise the power given under Standing Order 12.8, neither the Member moving the motion nor the seconder of the motion shall speak until the report on the motion comes before the Council.

### **Proposer of Motion may attend Committee of which he is not a Member**

10. A Member who has proposed a motion shall be given notice of any meeting where it is proposed to consider the motion. The Member shall have an opportunity of speaking but not voting (unless a Member of the body) when the motion is under consideration or have the right to submit a letter supporting the motion. Where a notice of motion has been proposed by more than one Member only one Member may speak on behalf of the proposers.

### **Rescission of Preceding Resolution**

11. Subject to Standing Order 12.15, at a Council meeting, no motion shall be moved which rescinds or varies (or refers back to the Cabinet, a Cabinet Member, a Committee or officer) a resolution or decision which has been passed or made by the Council, the Cabinet, a Cabinet Member or any committee or officer within the previous 6 months unless at least 10 Members of the Council submit in writing a notice under Standing Order 12.1 to that effect. This provision excludes any decision made as a result of 'call-in' procedures being instigated.
12. If a motion is rejected at a Council meeting, a similar motion or one which would have the same effect may not be moved at a subsequent Council meeting within 6 months, unless at least 10 members of the council submit, in writing, a notice under Standing Order 12.1 to that effect.
13. Once any such motion, moved on notice under so 12.12 has been disposed of by the Council, no similar motion may be proposed within a 6 month period.



14. (a) A notice of motion under Standing Order 12.11 to rescind or vary shall set out the whole or such part of the resolution or decision it is proposed to rescind or vary and shall specify the date on which the resolution was passed by the Council and the minute reference.
- (b) A notice of motion pursuant to Standing Order 12.12 shall set out the motion which had previously been rejected and the date on which it had been rejected, and the minute reference.
15. This Standing Order does not apply to decisions rescinded or varied at a Council meeting on the recommendation of the Cabinet, a Cabinet Committee, a Cabinet Member or a committee of the Council, or a recommendation contained in a Chief Officer's report.

## **STANDING ORDER 13**

### **MOTIONS WHICH MAY BE MOVED WITHOUT NOTICE**

1. The following motions may be moved without notice:
  - a) Appointment of a Chairman for that meeting
  - b) Motions relating to the accuracy of the minutes and that the minutes of the last meeting be signed as a correct record.
  - c) That an item of business specified in the summons or agenda, as the case may be, has precedence
  - d) Reference back to a Committee of its report or any item in it (subject to Standing Order 12.11)
  - e) Creation of a Committee or appointment to a Committee or delegation to an officer of any decision occasioned by an item mentioned in the summons or agenda
  - f) Adoption of reports and recommendations of the Cabinet, Committees, Cabinet Members or officers
  - g) Motions arising from Officers or other reports submitted to Committees
  - h) That leave be given to withdraw a motion
  - i) Amendments to motions, withdrawal of motions or amendments, and alterations under Standing Order 14.17
  - j) Suspending any standing order in accordance with SO 31
  - k) Motion to exclude the public
  - l) That a member named under Standing Order 15.3 be not further heard or do leave the meeting
  - m) Requiring a Member to withdraw under Standing Order 27.3 (pecuniary interest)
  - n) Inviting a member to remain under Standing Order 27.4 or 27.5
  - o) Giving consent of the Council where the consent of the Council is required by these Standing Orders
  - p) Amending the time limit for speeches
  - q) Relating to business arising from statutory duties and which needs to be dealt with before the next ordinary meeting

- r) Any motions relating to minor procedural matters regarding the conduct of business before the meeting which is not addressed by the above paragraphs
- s) That the meeting proceed to next business
- t) That the question be now put
- u) That the debate be now adjourned
- v) That the Council do now adjourn
- w) Postponing consideration of a motion
- x) Under Section 100A(4) of the Local Government Act 1972, to exclude the press and members of the public.

## **STANDING ORDER 14**

### **RULES OF DEBATE**

#### **Respect for the Chairman**

1. The Chairman shall preside and shall, after having sought advice from the District Solicitor or the Chief Executive or Head of Democratic, Legal and Policy Services or their respective representatives have sole responsibility for interpretation and application of these Standing Orders.
2. It shall be the duty of the Chairman to ensure that all items before the meeting are properly debated.
3. No Member shall speak unless called upon to do so by the Chairman.
4. A Member shall signify his desire to speak by the raising of a hand or otherwise as approved by the Council.
5. Whenever the Chairman stands up during a debate a Member then speaking or standing shall be seated and the Council shall be silent.

#### **Member shall Stand when Speaking**

6. At a Council meeting, a Member shall stand when speaking and shall address the Chairman, unless the Chairman permits otherwise for any reason.
7. If two or more Members rise, the Chairman shall call on one to speak.

#### **Chairman's Decisions to be Final**

8. The decision of the Chairman on the admissibility of a personal explanation, a point of order, relevancy and the Chairman's interpretation and application of these Standing Orders shall be final.

#### **Points of Order, etc**

9. If a Member wishes to raise a point of order or personal explanation he shall indicate his desire to speak and at the same time indicate 'point of order' or 'point of personal explanation'.
10. The Chairman shall immediately call upon that Member to speak, even if another Member is speaking.
11. If a point of order, the Member must first specify the Standing Order or legal requirement that has allegedly been breached. If a point of personal explanation, the Member shall restrict the explanation to some part of another Member's speech that appears to have been misunderstood by the Member.

### **Speeches to be Relevant**

12. Speeches shall be relevant to the question under discussion or to a point of order or to a personal explanation.

### **Time Limit on Speeches**

13. With the exception of speeches by the Chairman of the Council, the Chairmen of Committees, the Leader and Cabinet Members no speech shall exceed five minutes except with the consent of the Chairman of the Council (or Committee as appropriate) or pursuant to a resolution passed by the Council (or Committee as appropriate) without discussion.
14. The Leader, Cabinet Members and Chairmen of Committees may speak for more than five minutes when presenting a report to the Council or after responding to a Notice of Motion at Council. The Chairman of the Council shall not be time limited in any speech.

### **Motions and Amendments**

15. A motion or amendment shall not be discussed or put to the meeting until it has been moved (and also seconded unless the Chairman in his absolute discretion shall rule otherwise).

### **Secunder may Reserve Speech**

16. A Member when seconding a motion or amendment may, if he/she then declares his/her intention to do so, reserve his/her speech until a later period of the debate.

### **Alteration of Motion**

17. A Member may with the consent of his/her seconder and of the Council (or Committee as appropriate), signified without discussion, alter in Council or Committee, his/her motion at any time before it is voted on, or if it is amended, at any time before the first amendment is voted on, if the alteration is one which could be made as an amendment.

### **Withdrawal of Motion or Amendment**

18. A motion or amendment may be withdrawn by the mover with the agreement of the seconder and of the Council (or Committee as appropriate), signified without discussion at any time before it is voted on, and no Member shall speak upon it after the mover has asked permission for its withdrawal unless such permission has been refused.

### **Right to Speak**

19. A Member shall only speak once on any motion or amendment (for up to 5 minutes) except in exercise of the right of reply given in Standing Order 14.36 or on a point of order, or by way of personal explanation, or to move "a Closure Motion under Standing Order 14.38".

### **Notices of Motion referred to Cabinet or a Committee - Order of Debate**

20. Where a notice of motion has been referred for consideration under Standing Order 12.6 and there is a report back under Standing Order 12.7 the following order of debate shall apply:
  - The mover of the notice of motion shall speak first
  - The Chairman (or Chairmen) of the Committee(s) the Leader or Cabinet Members reporting on the Notice of Motion shall then speak

- The matter is then open to debate

21. Standing Order 14.20 above does not apply when a motion is taken under Standing Order 12.8 on the day it is put, when the normal rules of debate will apply.

### **Amendments**

22. Subject to Standing Order 14.23 below an amendment shall be relevant to the motion and shall be either

- (a) To leave out words
- (b) To insert or add words
- (c) To leave out words and insert or add others
- (d) (however expressed) to refer the matter under debate to, or back to, the Cabinet, a Cabinet Member, a committee, another committee or a Council meeting

23. No amendment shall be allowed which is contrary to the motion before the meeting (subject to Standing Order 14.33) or has the effect of introducing a new proposal.

24. Only one amendment may be moved and discussed at a time, and no further amendment may be moved until the amendment under discussion has been dealt with, unless the Chairman is of the opinion that it would facilitate or expedite the proper conduct of the Council's business to do otherwise.

25. Once duly moved, an amendment shall be debated along with the original motion.

26. If an amendment is rejected different amendments may be proposed on the original motion.

27. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion on which any further amendment may be moved.

28. The original motion or the motion as amended shall be put to the meeting.

29. No amendment shall be proposed on the motion after the mover of the motion has exercised his/her right of reply.

### **Cabinet, Committee and Officer recommendations**

30. This Standing Order applies where a meeting receives a report from the Cabinet, a Cabinet Member, a committee or an officer and that report carries a recommendation which for the purposes of this Standing Order includes a recommendation of 'No action' or a recommendation to refer a matter to a Committee, Cabinet or the Council for final decision or report.

31. If the meeting is a Council meeting, the recommendation shall be deemed to be duly moved at the start of the debate. It is not necessary for a Member to move the recommendation formally or for it to be formally seconded.

32. If the meeting is a Cabinet or Committee meeting, if no other motion is moved during the debate, the recommendation is deemed duly moved at the end of the debate immediately before the matter is put to the vote.

33. At a Council meeting, any amendment to the recommendation can be moved provided it is (in the opinion of the Chairman) relevant to the matter under discussion. The amendment can be a direct negative of the recommendation.

34. At a Cabinet or committee meeting, any motion or amendment may be moved during the debate provided it is (in the opinion of the Chairman) relevant to the matter under discussion.

#### **Motions that may be Moved during Debate**

35. When a motion is under debate no other motion shall be moved except a motion for which no notice is necessary under Standing Order 13.1

#### **Right of Reply and Order of Closing Speeches**

36. At a Council meeting, at the end of a debate on a matter, Members shall be called upon to speak in the following order:
- (a) If the seconder of the original motion has not yet spoken, that Member;
  - (b) If any amendments have been moved during the debate on the original motion, the seconds of those amendments in the order in which the amendments were moved if they have not already spoken;
  - (c) The movers of any amendments in the order in which those amendments were moved;
  - (d) The mover of the original motion;
  - (e) If the subject of debate is a recommendation from the Cabinet, a Cabinet Member or a Committee, by way of reply, the Leader, the Cabinet Member or the Chairman of that Committee (whose speech shall not exceed 10 minutes except with the consent of the Chairman of the Council) whether or not that Member has otherwise been called upon to speak pursuant to this paragraph.

#### **Voting Order**

37. At a Council meeting, after concluding the procedure in Standing Order 14.36 above, and at any Committee Meeting at the end of the debate, the Chairman shall put each duly moved amendment to a vote in the order in which they were so moved. The original motion, as amended in accordance with those amendment motions as have been carried, shall be put to a vote.

#### **Closure Motions**

38. A Member may move without comment at the conclusion of a speech of another Member
- "That the meeting proceed to the next business" or
  - "That the question be now put" or
  - "That the debate be now adjourned" or
  - "That the meeting do adjourn" or
  - "That the item of business now before the meeting be postponed to a future meeting" or
  - "That the remainder of the business of the meeting be postponed to a future meeting".

on the seconding of which the Chairman shall proceed as follows:

- (a) **On the motion to proceed to the next business:**

Unless in the Chairman's opinion the matter before the meeting has not been sufficiently discussed, the Chairman shall first give the mover of the original motion the right to speak against the closure motion (not exceeding 5 minutes), and then put to the vote without debate the motion to proceed to the next business. If carried, the motion shall be deemed lost. If lost the debate shall proceed as if the motion had not been moved.

**(b) On a motion that the question be now put:**

Unless in the Chairman's opinion the matter before the meeting has been insufficiently discussed, the Chairman shall first put to the vote without debate the motion that the question be now put and if it is carried, a Council meeting shall then proceed in accordance with Standing Order 14.36 (and Standing Order 14.37) and any other meeting in accordance with Standing Order 14.37.

**(c) On a motion to adjourn the debate:**

If in the Chairman's opinion the matter before the meeting cannot reasonably be discussed on that occasion, the Chairman shall put the adjournment motion without debate to the vote and without giving the mover of the original motion the right of reply on that occasion. If the motion is passed, consideration of the matter under discussion shall stand adjourned to the next ordinary meeting of the Council.

**(d) On a motion to adjourn the Council:**

A member may move at any time "That the Council now adjourns". The mover and one other speaker replying on the invitation of the Chairman may speak for five minutes each and the question shall then be put. If the motion is carried the meeting shall stand adjourned with unfinished business held over to the next ordinary meeting of the Council, unless an extraordinary meeting is called to deal with it.

The procedures in a), c) and d) shall not apply if the Chairman is of the opinion (having taken advice as necessary) that the Council would be in breach of duty, or otherwise acting unlawfully if the debate or meeting as the case may be does not then proceed.

### **Procedure on adjournment**

39. On the passing of a motion to adjourn, the Chief Executive shall inform Members of the day and time at which the meeting will re-convene, which shall be no earlier than 10.00 am on the day immediately following the meeting. Regard shall be had to the access to information requirements of the Local Government Act 1972 when fixing the date of the adjourned meeting.
40. If the Chief Executive is not able to inform the meeting of the date and time of the reconvened meeting immediately, this must be determined by the Chief Executive in consultation with the Chairman and all Members should be notified as soon as practicable.

### **Finishing time of meetings**

41. If a meeting is still continuing at 22.00, at the first convenient opportunity (judgment of which shall be at the Chairman's absolute discretion), the Chairman shall move one of the following:
  - (a) That the meeting do continue to the finish of business; or
  - (b) That the meeting do now adjourn; or

- (c) That the remainder of the business of the meeting be postponed until a future meeting; or
  - (d) That the meeting do now consider specified items of business and then either adjourn or postpone the remainder of the business to a future meeting.
42. Whichever of these is put is at the Chairman's absolute discretion, but the Chairman shall have regard to any statutory duties, liabilities which may fall on the Council, or any other consequences in deciding which motion to put and shall seek advice from appropriate officers before making a decision.
43. If having put one of the motions, the motion fails, then the Chairman shall select another option and shall continue to do so until one of the above motions is passed. If all motions fail, the remainder of the business of the meeting shall be deemed abandoned, and the meeting shall then close.

### **Public Participation**

44. In the event that the Council approves any scheme that permits persons other than Members of the Council to address any meeting, these Standing Orders shall be deemed to be waived or amended insofar as is necessary to accord with such approved scheme of public speaking and that scheme shall be interpreted as if it were part of these Standing Orders.

### **Motions affecting Persons Employed by the Council**

45. If any question arises at a meeting of the Council concerning a particular person employed or formerly employed by the Council, the Chairman shall move a motion that shall immediately be put without debate to exclude the public under Section 100A(4) and of Schedule 12A to paragraph 1, the Local Government Act 1972.

### **Procedure for reception etc of reports to Council**

46. The Leader, the appropriate Cabinet Member or the Chairman of the appropriate Committee shall present the minutes or report to Council.

## **STANDING ORDER 15**

### **DISORDERLY CONDUCT**

#### **Motion to End Disorderly Conduct**

1. No Member of the Council shall, at any meeting, in the opinion of the Chairman notified to the Council, misbehave by
  - a) persistently disregarding the ruling of the Chairman;
  - b) imputing improper motives or making offensive personal references to any other member or officer of the Council;
  - c) using offensive expressions or improper language;
  - d) being guilty of continued irrelevance or tedious repetition;
  - e) causing or being responsible for disorder, obstruction or other conduct which prevents the Council from carrying out its business
2. If the Chairman considers that there is a breach of this Standing Order, he may either request the Member to withdraw the remarks, not to repeat or continue such remarks or to remain silent (and if standing) to be seated.

#### **Persistent Misconduct**

3. If the Member disregards the Chairman's request, the Chairman or any other Member may move "That the Member be not further heard" or "That the Member leave the meeting for the remainder of the proceedings". If seconded, the motion shall be put at once, without discussion.
4. If the motion is carried, the Chairman shall direct the Member to leave the meeting.
5. If a Member is required to leave the meeting under Standing Order 15(4) the Member is not entitled to vote during the period of exclusion.
6. The Chairman may suspend or adjourn the meeting for as long as he considers necessary, whether or not the above provisions have been invoked.
7. The decision of the Chairman as to whether any action or conduct is to be treated as disorderly shall be final, and shall not be questioned.

#### **Disturbance by Members of the Public**

8. Any member of the public invited to speak at any meeting, shall be subject to the authority of the Chairman in accordance with these Standing Orders and in particular shall be subject to Standing Order 15.1 to 15.7.
9. If a member of the public interrupts the proceedings at any meeting the Chairman shall issue a warning. If the interruption continues the Chairman shall order the person's removal from the Council Chamber.
10. In case of general disturbance in any part of the chamber open to the public the Chairman shall order that that part shall be cleared and if the Chairman considers it necessary, adjourn or suspend the sitting of the Council.

### **STANDING ORDER 16**

#### **VOTING**

##### **General**

1. Voting at all meetings shall be by show of hands unless otherwise authorised by these Standing Orders.
2. Unless the Chairman shall decide otherwise when a vote is called, Members shall first be asked to indicate whether they are in favour of the motion and shall indicate by the raising of a hand. The District Solicitor and/or Head of Democratic, Legal and Policy Services (or their representative at a meeting) shall count the number of hands raised and shall inform the Chairman of the number so counted. The Chairman will then announce to the meeting that number.
3. If the number of Members voting in favour of a motion is more than half those Members present at the meeting and entitled to vote, the Chairman may either announce that the motion is carried by a clear majority or proceed to call upon those Members who wish to vote against the motion in which case the provisions of Standing Order 16.2 will apply. No Member may be called upon (save under Standing Order 16.4 or 16.7) to indicate abstention.
4. Immediately after a vote is taken any Member may require that his or her vote cast against the question or that he or she abstained, is recorded in the minutes.



5. At the annual Budget Council Meeting, a recorded vote shall take place on decisions relating to the setting of the Budget and Council Tax. The Head of Democratic, Legal and Policy Services, or their representative, shall call upon each member present to say if that Member votes for, against, or abstains from the voting on the proposals at the meeting. This will then be set out in the Minutes of the meeting.
6. In the event of the voting being equal, the Chairman shall have a second or casting vote.
7. If before a vote is taken at a Council meeting a Member requests a recorded vote and is supported by 7 other Members, the voting shall be recorded and the names of those Members voting for, against or abstaining shall be shown in the minutes.
8. If a recorded vote is taken pursuant to Standing Order 16.7 the District Solicitor or Head of Democratic, Legal and Policy Services or their representative shall call upon each member present to say if that Member votes for, against, or abstains from voting on the matter before the meeting.
9. A Member may not change his or her vote once it is cast and the next Member has been called upon to vote.
10. If at any meeting, a Member arrives before the casting of votes has been completed he or she is entitled to cast a vote.
11. If at any meeting an electronic method of voting is used, this Standing Order may be modified so far as is necessary for this purpose.

#### **Voting on Appointments**

12. Where there are more than two persons nominated for any position to be filled by the Council, and no person receives more than one half of the votes given, the name of the person having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on until a clear majority of votes is given in favour of one person.
13. If there are a number of appointments to be made and there is an equality of votes, then a further ballot shall be conducted between the persons who receive such equal number of votes.

#### **STANDING ORDER 17**

##### **EXERCISE OF DELEGATED POWERS**

1. The Council, the Cabinet, a committee or an officer, acting in the exercise of delegated powers and in accordance with approved terms of reference, shall be entitled to take all necessary action to fulfil obligations.

#### **STANDING ORDER 18**

##### **APPOINTMENT OF COMMITTEES**

1. The following Committees shall be Standing Committees of the Council and shall comprise the number of Members indicated:

|     |                                     |   |
|-----|-------------------------------------|---|
| (a) | Audit Committee                     | 8 Members +<br>1 External Co-opted Member |
| (b) | Planning Committee                  | 16 Members                                |
| (c) | Disciplinary Committee              | 5 Members                                 |
| (d) | High Wycombe Town Committee         | 23 Members                                |
| (e) | Improvement and Review Commission   | 18 Members                                |
| (f) | Licensing Committee                 | 15 Members                                |
| (g) | Personnel and Development Committee | 8 Members                                 |
| (h) | Regulatory and Appeals Committee    | 12 Members                                |
| (i) | Standards Committee                 | 8 Members                                 |
| (j) | Task and Finish Groups              | 5-9 Members/Officers                      |

- The Council may establish such other Committees (or by resolving itself into a Committee may establish such Sub Committees) as it requires.
- The Council will determine the size, terms of reference and term of office of any Committee.
- Any Standing Committee may establish such Sub-Committees as it may determine at any time and appoint such Members and Standing Deputies to that Sub-Committee as it shall consider appropriate.
- Committees shall continue to meet and to carry out their duties after the election of Councillors until such time as new Committees are appointed by the Council. The proceedings of such Committees shall not be challenged on the grounds that the membership is not in accordance with the number of Members as set out in Standing Order 18.1.

#### **Rules on Proportionality**

- Seats on Committees and Sub Committees of the Council shall be distributed among the political groups in accordance with Sections 15 to 17 of the Local Government and Housing Act 1989.

#### **Method of appointment**

- Each Group Leader shall provide, in writing, details of that Group's nominations to the Head of Democratic, Legal and Policy Services not later than 3 clear days prior to the Annual Meeting for circulation to all Members prior to the Meeting.
- If a Member is not a member of a group, the Head of Democratic, Legal and Policy Services shall request that Member to provide details of his or her preferences.

#### **Changes to Appointments during the year**

- The appropriate Leader shall notify the Head of Democratic, Legal and Policy Services of any changes in membership for report to the next Council meeting for information. Any such changes shall come into effect one week after written notification is received.

#### **Co-opted Members**

- The Improvement and Review Commission shall be permitted to co-opt up to 3 external people to assist them in particular aspects of their work, subject to no such appointment being for a period in excess of 6 months, except with the approval of Council. Any such co-opted Members are not entitled to vote.

11. Any person so co-opted shall be entitled to remuneration as set out in the approved scheme of allowances.

#### **Records of Attendances**

12. The names of the Members attending a meeting of which they are Members shall be recorded.

#### **Appointments to Outside Organisations**

13. Appointments shall be made by the Cabinet or Council as appropriate for a 4 year period (unless there shall be different requirements from the organisation requesting the representative).
14. The Head of Democratic, Legal and Policy Services shall circulate all Members following the May elections to seek expressions of interest in such appointments.
15. Appointments will be made at the first appropriate meeting immediately following the May elections.
16. Any representative shall be required to report back in March each year on the activities of the organisation. The Head of Democratic, Legal and Policy Services shall circulate the reports by way of Information Sheets.

#### **Training**

17. No Member may serve on a quasi-judicial committee e.g. Planning Committee, Licensing, unless the Member has completed such required training programme as may be determined from time to time.

### **STANDING ORDER 19**

#### **RIGHTS OF ACCESS TO THE COUNCIL, CABINET AND COMMITTEES**

1. Meetings of the Council the Cabinet or any committees shall be open to the public except when dealing with exempt or confidential information as specified in Standing Order 19.2 and 19.3.

#### **Exclusion of Public - Exempt Information**

2. The public may be excluded from the whole or part of a meeting of the Council, or one of its committees, on the ground that exempt information would be disclosed.

#### **Prohibited Disclosure**

3. The public must be excluded from any meeting of the Council, or any of its committees when any information would be disclosed to them which
  - (a) has been provided by a Government Department on terms which forbid disclosure, or
  - (b) would be prohibited by law or by an order of the Court.
4. The District Solicitor in consultation with the Head of Democratic, Legal and Policy Services shall determine which Committee reports or parts of reports are unlikely to be taken in public and shall withhold such papers from public circulation unless they are actually dealt with in public at the relevant meeting.

#### **Attendance as a Ward Member**

5. A Member who is not a member of the Cabinet or a committee may attend any meeting to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's ward, with the prior consent of the Leader or Chairman of the meeting which will not be unreasonably

withheld. The Member, (unless attending a committee meeting as a Standing Deputy) may not vote on that matter.

#### **Attendance at the Leader's or Chairman's discretion**

6. A Member who is not a member of the Cabinet or a Committee may attend any meeting and may speak (but not vote unless attending a committee meeting as a Standing Deputy), at the discretion of the Leader or Chairman respectively, provided that he or she has sought the permission of the Chairman of the meeting prior to the opening of that meeting.
7. This provision shall not apply to meetings of the Cabinet which are not held in public.

#### **Attendance as Mover of a Motion**

8. A Member who has moved a motion which has been referred to the Cabinet or a committee, shall be notified of the date at which the motion will be considered, and shall have the right to attend and speak to the motion, but unless attending a committee meeting as a Member or Standing Deputy on that Committee may not vote on that matter.

#### **Councillor Call for Action**

9. A Member who has submitted a councillor call for action shall be entitled to attend the meeting of the Improvement and Review Commission where this is considered and speak to the item.

## **STANDING ORDER 20**

### **ELECTION OF CHAIRMAN OF COMMITTEES**

#### **Election of Chairman and Vice-Chairman**

1. The Council shall at the Annual Meeting elect the Chairmen and appoint the Vice-Chairmen, of all Committees. The Chairmen and Vice-Chairmen shall hold office for a year or until their successors are elected or appointed.
2. If both the Chairman and Vice-Chairman are absent from a meeting a Chairman for the meeting shall be elected. For the purpose of electing a Chairman for that meeting only, the following, in order of precedence shall apply:
  - Chairman of Council
  - Vice-Chairman of Council
  - Chairman of any other committee
  - Vice-Chairman of any other committee
3. No person shall hold the office of Chairman or Vice-Chairmen unless he/she is a member of the Committee in question and is also a Member of the Council.

## **STANDING ORDER 21**

### **AGENDA PROCEDURE**

1. At least five clear working days before a meeting of the Council, the Cabinet or any committee, is scheduled to take place an agenda specifying the business to be transacted shall be delivered to the usual place of residence (or such other address as the Member may specify) of every member of the body in question, provided that want of delivery of the agenda shall not affect the validity of the meeting.

### **Limitation of Business**

2. No business may be transacted at a meeting of the Council or a Committee or Sub Committee of the Council which is not specified in the agenda for the meeting unless the Chairman of the meeting agrees that the item should be considered as a matter of urgency and the reason for urgency shall be specified in the minutes.

## **STANDING ORDER 22**

### **STANDING DEPUTIES**

#### **The Cabinet**

1. Standing deputies are not permitted for these meetings.

#### **Other committees**

2. Standing deputies shall be appointed on the following basis:
  - a) For committees with 16 or more Members – 6 Conservatives, 2 Liberal Democrat, 1 drawn from amongst the Labour/Independent groups.
  - b) For committees with less than 16 Members on a formula of 3:1:1.
  - c) Improvement and Review Commission - 6 Conservatives, 1 Labour, 1 Liberal Democrat, 1 Independent
3. The appointment of Standing Deputies shall be reported formally to the Annual Meeting each year at the same time and in the same manner as Committee appointments.
4. No alterations to named Standing Deputies shall be permitted without formal notification from Group Leaders. Any changes shall come into effect one week after formal notification is received by the Head of Democratic, Legal and Policy Services from the appropriate Group Leader.
5. An appointed Standing Deputy may attend any meeting in place of any ordinary Member of the same Group as that Standing Deputy (or another Group if appointed by that Group), provided that once the meeting has begun, no further substitution (including substitution by the ordinary Member) shall take place unless the meeting is adjourned to another day.

## **STANDING ORDER 23**

### **SPECIAL MEETINGS OF THE CABINET OR COMMITTEES**

1. The Chairman of a committee or the Chairman of the Council may summon a special meeting of a committee.
2. A special meeting of the Cabinet shall be held on the requisition in writing of one half of the members of the Cabinet.
3. A special meeting of a committee shall be summoned on the requisition in writing of a quarter of the members of the committee.
4. The summons shall set out the business to be considered at the special meeting and no business other than that set out shall be considered at that meeting, save in compliance with the requirements of Access to Information legislation.

## **STANDING ORDER 24**

### **FILMING, RECORDING AND PHOTOGRAPHY AT COUNCIL, CABINET & COMMITTEE MEETINGS – PROTOCOL**

#### **General**

1. The Council supports the principle of transparency and encourages the filming, recording, reporting and photographing of meetings open to the public. In order to balance the wishes of those who want to record the meeting and those attending the following principles will apply:
  - a) Any individual wishing to film, record, report or take photographs at a meeting is asked to contact the Head of Democratic, Legal and Policy Services at least 3 working days in advance of the meeting at which the proposed filming will take place to enable the Council to provide reasonable facilities to facilitate the request. If no prior notice is given, the Council cannot commit to there being reasonable facilities available at the meeting.
  - b) Any filming/ recording/reporting/photography must take place from positions in the meeting room agreed by the Chairman to ensure the view of members, officers, public and media representatives is not obstructed. Those intending to bring large equipment, or wishing to discuss any special requirements, are advised to contact the Democratic Services Team in advance of the meeting to seek advice and guidance.
  - c) There shall be no use of flash photography or additional lighting at any time.
  - d) If the Chairman feels the filming/recording/photography is disrupting the meeting in any way, the operator of the equipment will be required to stop. Anyone undertaking filming/ recording/ photography must comply with any requests made by the Chairman of the meeting;
  - e) The person recording proceedings must agree to ensure the film/record/ photographs will not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being expressed in a way that may ridicule or show a lack of respect towards those being filmed/recorded/photographed;
  - f) The responsibility for how any film or recording or photography is used rests with the person doing it, not the Council. Those filming proceedings should make themselves aware of their responsibilities under current legislation, particularly in the area of publication and seeking consent.
  - g) This protocol allows for the Council to request a copy of the material recorded at the meeting.
  - h) All the provisions within this protocol also refer to the use of mobile phones in meetings and any other equipment that could be used for the purposes of filming, recording or taking photographs, including blogging, tweeting, Facebook and Youtube.
  - i) Councillors are permitted to tweet and blog within public meetings, provided it is not disruptive and does not detract from the proper conduct of the meeting. Councillors are expected to comply with the Council's Code of Conduct. The Chairman of the meeting shall request a councillor to cease tweeting or blogging if in his/her opinion, it is disrupting the meeting. The Councillor shall

adhere to such a request, and the provisions as set out within Standing Orders as to the conduct of Members at meetings shall apply.

- j) No oral commentary shall be allowed during a meeting.
  - k) All the provisions within this protocol relate to business conducted in the public part of the meeting and agenda. No filming, recording, reporting or photography shall take place once a meeting is in exempt/confidential/private session, and upon passing the relevant exemption clauses to move into such session at a meeting, any equipment that has been used shall be immediately turned off and removed from the meeting room.
2. The Democratic Services Team will ensure signs are put in place before the meeting starts to remind attendees that filming/recording/photography may take place. Meeting agendas will also carry this message, and this will also be added to the Council's Agenda Meetings web page.

### **During the meeting**

- 3. If prior notice has been received, the Chairman shall announce at the commencement of the meeting that filming, recording or the taking of photographs shall be taking place. Anyone seated in the public area or anyone attending the meeting to speak will have the opportunity to express his or her wish not to be filmed/recorded/photographed and to be guided to seating areas away from the area being filmed/recorded/photographed. If a member of the public is attending to speak at the meeting and prefers not to be filmed/recorded/photographed their wish will take precedence.
- 4. At all times the wishes of Members, Officers, and members of the public who choose not to be involved will take precedence.
- 5. If the Chairman feels the filming/recording/photography is disrupting the meeting in any way or any pre-meeting agreement has been breached, the operator of the equipment will be required to stop.
- 6. If someone refuses to stop recording when requested to do so, the Chairman will ask the person to leave the meeting. If the person recording refuses to leave then the Chairman may adjourn the meeting or make other appropriate arrangements for the meeting to continue without disruption. These will be in line with disorderly conduct procedures set out in the constitution.
- 7. Anyone asked to leave a meeting because they have refused to comply with the Chairman's requests may be refused permission to film/record/photograph at future Council meetings.
- 8. The Chairman of the meeting has a right to withdraw consent to film/record/photograph at any time during the meeting.

## **STANDING ORDER 25**

### **INSPECTION OF DOCUMENTS**

#### **Supply of Agendas and Minutes to the Public**

- 1. Agendas of committees will be available for inspection on request by the public at the Council Offices and Area Offices during normal office hours and at the major reference libraries in the district.

2. All documents which are open to public inspection shall be available 5 clear days before the meeting.

#### **Additional Access for Members**

3. A Member of the Council may, in order to fulfil a Member's role properly, but not otherwise, on application to the District Solicitor, inspect any document in the possession of the Council which relates to an item on the agenda of a meeting of the Council or any of its Committees. If copies are available, these shall be supplied at a Member's request.
4. Members of the Council shall not knowingly inspect or call for a copy of any document in the possession of the Council on any matter in which they are professionally interested or in which they have a personal and prejudicial interest within the meaning prescribed in the Members' Code of Conduct.
5. This Standing Order shall not preclude the District Solicitor from declining to allow inspection of any document in the possession of the Council which is or in the event of legal proceedings, would be protected by privilege arising from the relationship of solicitor to client.
6. Subject to other sub paragraphs of this Standing Order all meeting papers that have a restricted circulation shall be open to inspection by any Member as soon as the meeting has concluded action on the matter to which the papers relate.
7. The District Solicitor shall decide which documents it is considered inappropriate to be disclosed to a particular Member or Members.

### **STANDING ORDER 26**

#### **INSPECTION OF LAND OR PREMISES**

1. A Member of the Council, unless authorised to do so, has no right to enter and/or inspect any lands or premises which the Council has the right or statutory duty to inspect.
2. A Member of the Council has no right to enter District Council premises or require any action to be taken, issue any order for any works to be carried out or enter into any contract by or on behalf of the Council.

### **STANDING ORDER 27**

#### **DISCLOSURE OF INFORMATION BY MEMBERS**

##### **Improper Disclosure**

1. A Member shall not disclose or quote in public the contents of any agenda, report or other document which is marked "Confidential" or "Not for Publication" unless the document has been made available to the public or the press on behalf of the Council.
2. A Member shall not disclose to a non-member or quote in public any unpublished matter disclosed to the Member in his or her capacity as a Member of the Council where such disclosure would prejudice the interests of the Council.



## STANDING ORDER 28

### INTERESTS OF MEMBERS IN CONTRACTS AND OTHER MATTERS

1. All Members upon accepting office shall make a declaration and sign an undertaking (in the prescribed form) before the Proper Officer to observe the Council's Code of Conduct for the time being under ~~section 51 of the Local Government Act 2000~~the Localism Act 2011 ("Code of Conduct").
2. **Personal Interests**
  - (1) Any Member who at any meeting has a ~~personal~~Disclosable Pecuniary interest or other interest as defined by the Code of Conduct in any matter shall disclose the existence and nature of that interest at the time the agenda item on declaration of interests is reached or at the commencement of consideration of that matter or when the interest becomes apparent.
  - (2) A Member of the Cabinet who has made an executive decision must ensure that the written statement of that decision records the existence and nature of any such interest.
3. **~~Personal and Prejudicial~~Disclosable Pecuniary Interests and Other Interests**
  - (1) Any Member who at any meeting has a ~~personal and prejudicial~~Disclosable Pecuniary interest, or other interest, as defined by the Code of Conduct, in any matter shall:
    - (a) disclose the existence and nature of such interest at the time the agenda item on declaration of interests is reached, and at the commencement of consideration of that matter;
    - (b) withdraw from the room or chamber where the meeting is being held unless he or she is permitted by the Code of Conduct to participate in consideration of the matter;
    - (c) not exercise executive functions in relation to the matter; and
    - (d) not seek improperly to influence a decision about the matter.
  - (2) A Member may regard himself as not having a ~~prejudicial~~Disclosable Pecuniary interest in a matter (and thus be able to participate and vote) if a Dispensation has been granted to the Member in relation to that matter:
    - ~~(a) does not affect your financial position or the financial position of a person or body described in paragraph 8 of the Code;~~
    - ~~(b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8 of the Code;~~
    - ~~(c) relates to the functions of your authority in respect of:
      - ~~(i) housing, where you are a tenant of your authority provided that these functions do not relate particularly to your tenancy or lease;~~
      - ~~(ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full-time education, or are a parent governor of a school, unless it relate particularly to the school which the child attends;~~
      - ~~(iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to~~~~

- ~~the receipt of, such pay;~~
- ~~(iv) an allowance, payment or indemnity given to Members;~~
- ~~(v) any ceremonial honour given to Members; and~~
- ~~(vi) setting council tax or a precept under the Local Government Finance Act 1992.~~
- ~~(d) relates to the housing functions of the Council where the Member holds a tenancy or lease with a relevant authority, provided that he/she does not have arrears of rent of more than two months and provided that these functions do not relate particularly to the Member's tenancy or lease;~~
- ~~(e) any functions of the Council in respect of school meals, transport and travelling expenses, where the Member is a guardian or parent of a child in full time education, unless it relates particularly to the school which the child attends;~~
- ~~(f) the functions of the Council in respect of Statutory Sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of or is entitled to the receipt of such pay from a relevant authority; and~~
- ~~(g) the Council's functions in respect of an allowance or payment made under Sections 173 to 176 of the Local Government Act 1972, or Section 18 of the Local Government and Housing Act 1989 (Members' Allowances)~~
- ~~**NB** "relevant authority" is defined by Section 49(6) of the Local Government Act 2000 and the list of authorities included in the definition is set out in the footnote to the form of register of Members' interests.~~

#### 4. Register of Members' Interests

Every Member (including Co-opted Members with voting rights) shall submit details of his/her interests to the Monitoring Officer as required by the Code of Conduct and by ensuring that their electronic profiles which form part of the Council's publicly available website include such details. The entries must be updated whenever there is a change in interests and in any event within 28 days of any such change occurring. The Register shall be open during normal office hours to inspection by members of the public at the Council Offices at Queen Victoria Road, High Wycombe publicly available as part of the Council's website.

#### 5. Registration of Gifts and Hospitality

A Member shall within 28 days of receiving-accepting as a Member from any person or body other than the Council any gift or hospitality over the value of £25-50 (in the course of conducting the business of the Council or of the office to which he/she has been elected or appointed or in the course of acting as a representative of the Council) provide written notification to notify the Monitoring Officer in writing of the existence and nature of that gift or hospitality.

#### 6. Interests of Officers in Contracts

The Head of Democratic, Legal and Policy Services shall record in a book to be kept for the purpose particulars of any notice given by an officer of the Council under Section 117 of the Local Government Act 1972, of a pecuniary interest in a contract, and the book shall be open during office hours to the personal inspection of any

Member of the Council.

## **STANDING ORDER 29**

### **CANDIDATES FOR APPOINTMENT**

#### **Canvassing of Members**

1. Canvassing of Members of the Council or any Committee of the Council, directly or indirectly to gain preferential treatment in connection with appointment, terms and conditions of contract, or compensation upon the termination of employment is prohibited. In the case of job applicants this may lead to disqualification from appointment if it is established that such canvassing has occurred. In the case of existing officers any alleged canvassing may give rise to disciplinary proceedings and, where appropriate, the loss, as a consequence, of enhanced severance compensation or other benefits.
2. The effect of Standing Orders ~~2829~~.1 and ~~2829~~.4 shall be clearly stated on all application forms.

#### **Recommendations by Members**

3. A Member of the Council shall not seek for any person any employment with the Council, or recommend any person for such appointment or for promotion; but this paragraph of this Standing Order shall not prevent a Member from giving a written testimonial of a candidate's ability, experience or character for submission to the Council with an application for appointment.

#### **Relatives of Members or Officers**

4. Candidates for any appointment under the Council who know that they are related to any Member or senior officer of the Council shall, when making application, disclose that relationship. A candidate who fails to do so shall be disqualified for such appointment and, if appointed, shall be liable to dismissal without notice. No candidate so related to a Member or an officer will be appointed without the authority of the relevant Corporate Director or an officer nominated by him/her.
5. Every Member and senior officer of the Council shall disclose to the Head of Democratic, Legal and Policy Services any relationship known to exist between himself / herself and a candidate for an appointment of which he/she is aware. It shall be the duty of the Head of Democratic, Legal and Policy Services to report to the Council, the appropriate committee or officer any such disclosure made.

#### **Proximity of Relationship**

6. For the purpose of this Standing Order "senior officer" means an officer on salary grade 6 and above.
7. Persons shall be considered to be related if they are:
  - Parent or child (including step-child and adopted child)
  - Husband or wife or partner living at the same address
  - Son-in-law or daughter-in-law
  - Grandson or granddaughter
  - Brother or sister
  - Nephew or niece, or
  - Either the Member / senior officer or the applicant is the spouse or partner of a person in one of the above relationships

#### **Appointment and Dismissal of Staff**

8.

8.1 In this Standing Order

“the 1989 Act” means the Local Government and Housing Act 1989(a);

“the 2000 Act” means the Local Government Act 2000(b);

“disciplinary action” has the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001;

“executive” and “executive leader” have the same meaning as in Part II of the 2000 Act;

“member of staff” means a person appointed to or holding a paid office or employment under the authority; and

“proper officer” means an officer appointed by the authority for the purposes of the provisions in Part II of Schedule 1 to the Local Authorities (Standing Orders)(England) Regulations 2001.

8.2 Subject to paragraphs 8.3 and 8.7, the function of appointment and dismissal of and taking disciplinary action against, a member of staff of the authority must be discharged, on behalf of the authority, by the officer designated under section 4(1) of the 1989 Act (designation and reports of head of paid service) as the head of the authority’s paid service or by an officer nominated by him/her.

8.3 Paragraph 8.2 shall not apply to the appointment or dismissal of, or disciplinary action against -

- (a) the officer designated as the head of the authority's paid service;
- (b) a statutory chief officer within the meaning of section 2(6) of the 1989 Act(a) (politically restricted posts);
- (c) a non-statutory chief officer within the meaning of section 2(7) of the 1989 Act;
- (d) a deputy chief officer within the meaning of section 2(8) of the 1989 Act;  
or
- (e) a person appointed in pursuance of section 9 of the 1989 Act(b) (assistants for political groups).

- 8.4
- (1) Where a committee, sub-committee or officer is discharging, on behalf of the authority, the function of the appointment or dismissal of an officer designated as the head of the authority's paid service, the authority must approve that appointment before an offer of appointment is made to him or, as the case may be, must approve that dismissal before notice of dismissal is given to him.
  - (2) Where a committee or a sub-committee of the authority is discharging, on behalf of the authority, the function of the appointment or dismissal of any officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.3, at least one member of the executive must be a member of that committee or sub-committee.
  - (3) Where a Committee or Sub Committee is discharging the functions set

out in sub paragraphs (a), (b), (c) or (d) of paragraph 8.3, the Membership of the Committee or Sub Committee shall be determined by the full Council and be drawn from the list of Members specified in Standing Order 28.12.

- 8.5 (1) In this paragraph, "appointor" means, in relation to the appointment of a person as an officer of the authority, the authority or, where a committee, sub-committee or officer is discharging the function of appointment on behalf of the authority, that committee, sub-committee or officer, as the case may be.
- (2) An offer of an appointment as an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.3 must not be made by the appointor until:-
- (a) the appointor has notified the proper officer of the name of the person to whom the appointor wishes to make the offer and any other particulars which the appointor considers are relevant to the appointment;
  - (b) the proper officer has notified every member of the executive of the authority of:-
    - (i) the name of the person to whom the appointor wishes to make the offer;
    - (ii) any other particulars relevant to the appointment which the appointor has notified to the proper officer: and
    - (iii) the period within which any objection to the making of the offer is to be made by the executive leader on behalf of the executive to the proper officer; and
  - (c) either-
    - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the appointor that neither he nor any other member of the executive has any objection to the making of the offer;
    - (ii) the proper officer has notified the appointor that no objection was received by him within that period from the executive leader; or
    - (iii) the appointor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.
- 8.6 (1) In this paragraph, "dismissor" means, in relation to the dismissal of an officer of the authority, the authority or, where a committee, sub-committee or another officer is discharging the function of dismissal on behalf of the authority, that committee, sub-committee or other officer, as the case may be.
- (2) Notice of the dismissal of an officer referred to in sub-paragraph (a), (b), (c) or (d) of paragraph 8.3 must not be given by the dismissor until:-

- (a) the dismissor has notified the proper officer of the name of the person who the dismissor wishes to dismiss and any other particulars which the dismissor considers are relevant to the dismissal;
- (b) the proper officer has notified every member of the executive of the authority of:-
  - (i) the name of the person who the dismissor wishes to dismiss;
  - (ii) any other particulars relevant to the dismissal which the dismissor has notified to the proper officer; and
  - (ii) the period within which any objection to the dismissal is to be made by the executive leader on behalf of the executive to the proper officer; and
- (c) either-
  - (i) the executive leader has, within the period specified in the notice under sub-paragraph (b)(iii), notified the dismissor that neither he nor any other member of the executive has any objection to the dismissal;
  - (ii) the proper officer has notified the dismissor that no objection was received by him within that period from the executive leader; or
  - (iii) the dismissor is satisfied that any objection received from the executive leader within that period is not material or is not well-founded.

8.7 Nothing in paragraph 8.2 shall prevent a person from serving as a member of any committee or sub - committee established by the authority to consider an appeal by a member of staff of the authority against any decision relating to the dismissal of, or taking disciplinary action against, that member of staff.

9. Where the Council proposes to appoint the Chief Executive, a Director, the Monitoring Officer (District Solicitor), or the Chief Financial Officer and it is not proposed that the appointment be made from among its existing officers, it shall -
- (a) draw up a statement specifying
    - i. the duties of the officer concerned, and
    - ii. any qualifications or qualities to be sought in the person to be appointed;
  - (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
  - (c) make arrangements for a copy of the statement mentioned in paragraph a) to be sent to any person on request.
10. Where a post has been advertised as provided in Standing Order 28.9(b), the Council shall
- (a) interview all applicants for the post, or
  - (b) select a short list of such applicants and interview those included on the short list.

11. Where no qualified person has applied the authority shall make further arrangements for advertisement in accordance with Standing Order 28.9(b).
12. Every appointment specified in Standing Order 28.9 shall be made by the Council following the recommendation of such an appointment by an ad hoc Committee of 5 Members drawn from the following subject to two or more political groups always being represented and to the inclusion of at least one member of the Cabinet.
  - Chairman or past Chairman of the Council
  - Leader or Deputy Leader of the Council
  - Member of the Cabinet
  - Leader or Deputy Leader of an opposition party
  - Chairman of a Council Committee
  - Vice-Chairman of a Council Committee
  - A Member of Personnel and Development Committee
  - Another Back Bench Member

#### **Filling of other posts**

13. All vacancies to be filled, unless by promotion or internal transfer shall be advertised publicly. If a similar vacancy occurs within 6 months of an advertisement, the vacancy may be offered to a previous applicant, without re-advertisement. Appointment of an assistant to a Political Group shall be made in accordance with the wishes of that Group.
14. If a formal deputy has not been appointed, a person may be appointed temporarily to carry out the duties of that post on such terms and conditions as may be agreed in accordance with the Council's scheme of delegation.
15. A person shall be disqualified from becoming (whether by election or otherwise) or remaining a Member of a local authority if that person holds a politically restricted post (as defined within the Local Government and Housing Act 1989) under that or any other local authority.

#### **Disciplinary action in respect of Head of Paid Service, Chief Financial Officer or Monitoring Officer**

16. In the following paragraphs:-
  - (a) "the 2011 Act" means the Localism Act 2011(b);
  - (b) "chief finance officer", "disciplinary action", "head of the authority's paid service" and "monitoring officer" have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
  - (c) "independent person" means a person appointed under section 28(7) of the 2011Act;
  - (d) "local government elector" means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
  - (e) "the Panel" means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;



- (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
  - (g) “relevant officer” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
17. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
  18. The authority must invite relevant independent persons to be considered for appointment to the Independent Panel, with a view to appointing at least two such persons to the Panel.
  19. In paragraph (c) “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
  20. Subject to paragraph (f), the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph (c) in accordance with the following priority order:-
    - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
    - (b) any other relevant independent person who has been appointed by the authority;
    - (c) a relevant independent person who has been appointed by another authority or authorities.
  21. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph (e) but may do so.
  22. The authority must appoint any Panel at least 20 working days before the relevant meeting.
  23. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority 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.
  24. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person's role as independent person under the 2011 Act.”

## **STANDING ORDER 30**

### **THE COMMON SEAL**

#### **Custody of Seal**

1. The Common Seal of the Council (“the Seal”) shall be kept in a safe place in the custody of the District Solicitor or such other officer as he/she may appoint.

2. The Seal shall be secured by two different locks. The keys shall be kept by the District Solicitor, who may entrust his keys to the Head of Democratic, Legal and Policy Services or such other officer as he/she may appoint.

### Sealing of Documents

3. The Seal of the Council shall not be affixed to any document unless authorised by:
  - a) a resolution of the Council or a Committee
  - b) the Cabinet or a Cabinet Member (after the call-in procedure is completed if appropriate)
  - c) a decision of a duly authorised officer
4. The Seal shall be attested by
  - a) The Chairman or Vice-Chairman of the Council or a member of the Cabinet, and
  - b) The Chief Executive, District Solicitor, Head of Democratic, Legal and Policy Services or any Principal Solicitor.
5. An entry of every sealing of a document shall be made and consecutively numbered in a book to be provided for this purpose and shall be signed by the persons who shall have attested the sealing.

## STANDING ORDER 31

### AUTHENTICATION OF DOCUMENTS

1. Where any document is a necessary step in legal proceedings on behalf of the Council it shall, unless any enactment otherwise requires or authorises or the Council has given the necessary authority to some other person for the purpose of such proceedings, be signed by the District Solicitor (or such person as the District Solicitor shall nominate).

## STANDING ORDER 32

### PRESENTATION OF RIPA CASES TO JP'S

1. The following officers are authorised to present RIPA cases to JP's:-

#### Visits and Investigation Team

~~Simon Watts~~ Visits and Investigations Team Leader

- Rosalyn Slator Investigation Officer
- Rachel Bayly Investigation Officer
- Katie Nagiel Investigation Officer
- Mark Lambert Investigation Officer

#### Community Services

- Gillian Stimpson Community Services Manager
- Sarah Hazel Community Services Team Leader
- Nicola Sandhu Anti-Social Behaviour Coordinator

2. Replacement to the above existing list of designated officers to be delegated to the Head of Democratic, Legal and Policy Services.

Comment [JO1]: Should refer to Justices of the Peace

Comment [JO2]: Simon has left. Check other names too

Comment [JO3]: Has Gillian left too?

## **STANDING ORDER 33**

### **SUSPENSION OF STANDING ORDERS**

1. Subject to Standing Order 31.2, any Standing Order other than this Standing Order 31 may be suspended by resolution of the Council so far as regards any business at a meeting of the Council where its suspension is moved.
2. No motion shall be moved (or if moved the Chairman shall not accept it) which alters the effect of a Standing Order which is prescribed by law so that if passed, the Standing Order in question would then fail to comply with the law.
3. A motion to suspend Standing Orders shall not be moved without notice under Standing Order 13.1 unless at least one half of the whole number of the Members of the Council are present.
4. Any motion for a suspension shall state the specific Standing Order(s) which it is intending to suspend.
5. Standing Orders may not be suspended by a committee in respect of its own proceedings, but may, on recommendation of that committee, be suspended in respect of that committee's proceedings by the Council.

### **Variation and Revocation of Standing Orders**

6. These Standing Orders may be added to, varied or revoked by giving notice under Standing Order 12.1.
7. Any motion to add to, vary or revoke these Standing Orders shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council for consideration in conjunction with the report, if any, of the Cabinet, a committee or officer.
8. Standing Order 31.7 shall not apply to a motion moved in pursuance of a recommendation of a committee.

### **Standing Orders to be given to Members**

9. A printed or electronic copy of these Standing Orders shall be given to each member of the Council by the Head of Democratic, Legal and Policy Services on delivery of the Member's declaration of acceptance of office.

### **Compliance with Standing Orders etc**

10. Every committee, the Cabinet, Cabinet Members and officers shall comply with the Relevant Scheme of Delegation, Standing Orders, Financial Regulations and Standing Orders as to Contracts as appropriate.

## **STANDING ORDER 34**

### **PUBLICATION OF ADDITIONAL INFORMATION**

1. The Council shall maintain a register giving:
  - a) the name and address of every Member of the Council for the time being and the ward which he or she represents; and
  - b) the name and address of every member of any committee or body of the Council.

2. The Council shall maintain a list:
  - a) specifying those powers of the Council which are exercised by officers of the Council; and
  - b) stating the designation of the officer by whom each of the powers listed is exercised

but a power need not be specified in the list if the arrangements for its discharge by the officer are made for a specified period not exceeding six months.
3. There shall be kept at the offices of the Council a written summary of the rights of Members and the public:
  - a) to attend meetings of the Council, its committees and other bodies; and
  - b) to inspect and copy documents and to be provided with documents.
4. The register maintained under Standing Order 32.1, the list maintained under SO 32.2 and the summary kept under Standing Order 32.3 shall be open to inspection by the public at the Council's offices during normal office hours.

## **STANDING ORDER 35**

### **APPLICATION OF STANDING ORDERS**

These Standing Orders, shall, with any necessary modifications, apply to all meetings held, including Cabinet and Scrutiny meetings, unless the Standing Order indicates, or the context requires that it applies only to a particular type of meeting.

## **STANDING ORDER 36**

### **INTERPRETATION OF STANDING ORDERS**

#### **Definition**

1. In these Standing Orders:

|                   |  |
|-------------------|--|
| “Meeting”         | means unless the context otherwise requires, any meeting of the Council, the Cabinet, a Committee of the Cabinet, a Committee of the Council or a Sub-Committee of such Committee. |
| “Cabinet”         | means the executive body set up in accordance with the Local Government Act 2000   |
| “Committee”       | means anybody appointed by the Council to carry out its functions, with the exception of the Cabinet   |
| “Chairman”        | means the Chairman or whoever presides at a meeting  |
| “Council Meeting” | means a meeting of the Council   |
| “Leader”          | means the person appointed by the Council to lead the Cabinet and be responsible for executive functions   |
| “Cabinet Member”  | means any person appointed by the Leader to undertake executive duties in a particular area  |

|                           |   |
|---------------------------|---|
| “Annual Meeting”          | means the Council meeting called each year as required by Paragraph 1 of Schedule 12 to the Local Government Act 1972   |
| “Political Balance rules” | mean the provisions of Sections 15 to 17 of the Local Government Act 1989 and any regulations made thereunder   |
| “Group”                   | means a political group as referred to in Sections 15 to 17 of the Local Government and Housing Act 1989  |
| “Group Leader”            | means the Member nominated by a political group as its leader   |
| “Member”                  | means a duly elected councillor of Wycombe District Council authorised by law to serve as such and not disqualified or under any other disability preventing the general exercise of the powers and duties of such a councillor AND shall (unless the law dictates otherwise) include any person co-opted or appointed to sit on any Committee whilst that person acts in that capacity but not otherwise |
| “SO”                      | is a reference to these Standing Orders   |

#### **General**

2. Certain of these Standing Orders derive from statute, but for ease of use they are, as far as possible, written in plain English.
3. In all instances, the formal statutory wording must prevail, and statute law shall prevail over these Standing Orders where there is any conflict,

### **STANDING ORDER 37**

#### **FINANCIAL REGULATIONS**

The financial regulations for the time being approved by the Council shall be deemed to be incorporated in and (so far as they are not inconsistent therewith) to have equal effect with these Standing Orders.

### **STANDING ORDER 38**

#### **QUESTIONS TO COUNCIL REPRESENTATIVES APPOINTED TO COMPANIES**

In relation to any company which is not regulated under the Local Authorities (Companies) Order 1995, and in which any person associated with the Council (within the meaning of Section 69(5) of the Local Government and Housing Act 1989) has a right to vote at a general meeting or of which any such person is a Director, the following provisions shall apply:

- (a) Any Member at any meeting may put to the person referred to above, questions about the activities of the company;
- (b) The person concerned may (but need not) reply forthwith if that person is present at the meeting. If a reply is not given at the meeting, the person concerned shall arrange for the provision of a written response within 10 working days of the date on which the question or questions are put.

## **B Access to Information Procedure Rules**

### **1. Scope**

These rules apply to all executive and non-executive meetings of the Council, Improvement and Scrutiny Committees, the Standards Committee, the Regulatory and Development Control Committees and other Council committees or sub committees and to public meetings of the Cabinet or any Committee of the Cabinet (together called meetings).

### **2. Additional Rights to Information**

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

### **3. Rights to Attend Meetings**

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

### **4. Notices of Meeting**

The Council will give at least five clear days' notice of any meeting by posting details of the meeting at the District Council Offices, Queen Victoria Road, High Wycombe, Bucks HP11 1BB ("the Designated Office").

### **5. Access to Agenda and Reports before the meeting**

The Council will make copies of the agenda and reports which are open to the public available for inspection at the Designated Office at least five clear working days before the meeting (save in the case of reports which will be so available from the time they are made available to Members). If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection from the time the item was added to the agenda.

### **6. Supply of Copies**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Head of Democratic, Legal and Policy Services thinks fit, copies of any other documents supplied to councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

### **7. Access to Minutes etc after the meeting**

The Council will make available copies of the following after a meeting:

- (a) the minutes of the meeting (or records of decisions taken, together with reasons, for all meetings of the Cabinet), excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;

For six years following a meeting, the Council will also make available:

- (a) the agenda for the meeting; and
- (b) reports relating to items when the meeting was open to the public.

## **8. Background Papers**

### **8.1 List of background papers**

The Head of ~~Administration~~ Democratic, Legal and Policy Services will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) (and in respect of executive reports, the advice of a political advisor if appointed).

### **8.2 Public inspection of background papers**

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

## **9. Summary of Public's Rights**

A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Designated Office. These rules constitute such written summary.

## **10. Exclusion of access by the public to meetings**

### **10.1 Confidential information - requirement to exclude public**

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

### **10.2 Exempt information - discretion to exclude public**

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

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

### **10.3 Meaning of confidential information**

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

### **10.4 Meaning of exempt information**

Exempt information means information falling within the following 7 categories (subject to any condition):

## **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 direction, investigation or prosecution of crime

## **Qualifications**

8. Information is not exempt if it is required to be registered under:
  - a) the Companies Act 1985
  - b) the Friendly Societies Act 1974
  - c) the Friendly Societies Act 1992
  - d) the Industrial and Provident Societies Act 1965-1978
  - e) the Building Societies Act 1986; or
  - f) the Charities Act 1993
9. Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992(a).
10. Information which:
  - a) falls within any of paragraphs 1 to 7 above; and
  - b) is not prevented from being exempt by virtue of paragraph 8 or 9 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.

## **Standards Committee**

Additional descriptions of exempt information apply to the Standards Committee (or a sub-committee of that committee) when considering investigations into Members' conduct by the Standards Board for England. These are:



- (1) Information which is subject to any obligation of confidentiality;
- (2) Information which relates in any way to matters concerning national security;
- (3) The deliberations of a Standards Committee (or a sub-committee of that committee) reaching any finding on a matter referred to an ethical standards officer or monitoring officer under Part III of the Local Government Act 2000.

#### **11. Exclusion of access by the public to reports**

If the Head of Democratic, Legal and Policy Services thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be Open to the public. Such reports will be marked "Not for publication" together with the category A information likely to be disclosed.

#### **12. Application of rules to the Cabinet**

Rules 13 - 24 apply to the Cabinet and any committees of the Cabinet which may be appointed. If the Cabinet or its committees meet to take a key decision then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. A key decision is as defined in Article 12.03 of this Constitution.

If the Cabinet or its committees meet to discuss a key decision to be taken collectively, with an officer other than a political assistant present, within 28 days of the date according to the forward plan by which it is to be decided, then it must also comply with Rules 1-11 unless Rule 15 (general exception) or Rule 16 (special urgency) apply. This requirement does not include meetings, whose sole purpose is for officers to brief members.

#### **13. Procedure before taking key decisions**

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

- (a) a notice (called here a forward plan) has been published in connection with the matter in question;
- (b) at least 5 clear days have elapsed since the publication of the forward plan; and
- (c) where the decision is to be taken at a meeting of the Cabinet or its committees, notice of the meeting has been given in accordance with Rule 4 (notice of meetings).

#### **14. The Forward Plan**

##### **14.1 Period of Forward Plan**

Forward Plans will be prepared by the [Head of Democratic, Legal & Policy Services](#) to cover **at least a** period of four months, beginning with the first day of any month. They will be prepared on a monthly basis and subsequent plans will cover a period beginning with the first day of the second month covered in the preceding Plan.

## 14.2 Contents of Forward Plan

The Forward Plan will contain matters which the Leader has reason to believe will be subject of a key decision to be taken by the Cabinet, a committee of the Cabinet, individual members of the Cabinet, officers, or under joint arrangements in the course of the discharge of an executive function during the period covered by the Plan. It will describe the following particulars in so far as the information is available and might reasonably be obtained:

- (a) the matter in respect of which a decision is to be made;
- (b) where the decision taker is an individual, his/her name and title, if any, and where the decision taker is a body, its name and details of membership;
- (c) the date on which, or the period within which, the decision will be taken;
- ~~(d) the identity of the principal groups whom the decision taker proposes to consult before taking the decision;~~
- ~~(e) the means by which any such consultation is proposed to be undertaken;~~
- ~~(f) the steps any person might take who wishes to make representations to the executive or decision taker about the matter in respect of which the decision is to be made, and the date by which those steps must be taken;~~  
and

~~a list of the documents submitted to the decision taker for consideration in relation to the matter.~~

~~(d) Whether the report will be held wholly or partly in private~~

~~(e) The reason why no public access will be granted.~~

~~(g)(f) The Lead Member and contact officer,~~

The Forward Plan must ~~he~~be published at least 2814 days before the next Cabinet meeting~~start of the period covered. The Head of Democratic, Legal and Policy Services will publish once a year a notice in at least one newspaper circulating in the area, stating:~~

- ~~(a) that key decisions are to be taken on behalf of the Council;~~
- ~~(b) that a Forward Plan containing particulars of the matters on which decisions are to be taken will be prepared on a monthly basis;~~
- ~~(c) that the Plan will contain details of the key decisions to be made for the four month period following its publication;~~
- ~~(d) that each Plan will be available for inspection at reasonable hours free of charge at the Council's offices;~~
- ~~(e) that each Plan will contain a list of the documents submitted to the decision takers for consideration in relation to the key decisions on the Plan;~~
- ~~(f) the address from which, subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Forward Plan is available;~~
- ~~(g) that other documents may be submitted to decision takers;~~
- ~~(h) the procedure for requesting details of documents (if any) as they become available; and~~
- ~~(i) the dates of each month in the following year on which each Forward Plan will be published and available to the public at the Council's offices.~~

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Exempt information need not be included in a Forward Plan and confidential information cannot be included.

## 15. General Exception

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

- (a) The decision must be taken by such a date that it is impracticable to defer the decision until it has been included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the proper officer has informed the Chairman of a relevant Improvement and Scrutiny Committee, or if there is no such person, each member of that committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the proper officer has made copies of that notice available to the public at the offices of the Council; and
- (d) at least 5 clear days have elapsed since the proper officer complied with (a) and (b).

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

[Under the Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012, an exception notice given to the Chair of the Improvement & Review Commission in urgent circumstances must also be available to the public and put on the website including reasons why it was not possible to comply with the requirements of the Act. There are similar special urgency provisions if it is not possible to comply with the 5 day notice with the consent of the Chair of Overview and Scrutiny that the matter is urgent and cannot reasonably be deferred and notice with reasons is published to that effect.](#)

[When the Cabinet needs to take a decision which is not contained in the Forward Plan, the proper officer must notify the Improvement and Review Commission Chairman in writing at least three working days before the decision is intended to be taken, and publish an exception notice for public inspection.](#)

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## 16. Special Urgency

If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body making the decision, obtains the agreement of the Chairman of a relevant Improvement and Scrutiny Committee that the making of the decision is urgent and cannot be reasonably deferred. In the absence of the Chairman of a relevant Improvement and Scrutiny Committee, or if the Chairman of each relevant Improvement and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council, or in his/her absence the Vice Chairman will suffice.

## 17. Report to Council

### 17.1 When an Improvement and Scrutiny Committee can require a report

If an Improvement and Scrutiny Committee thinks that a key decision has been taken which was not:

- (a) included in the Forward Plan; or
- (b) the subject of the general exception procedure; or

- (c) the subject of an agreement with a relevant Improvement and Scrutiny Committee Chairman, or the Chairman / Vice Chairman of the Council under Rule 16;

the committee may require the Cabinet to submit a report to the Council within such reasonable time as the committee specifies. The power to require a report rests with the committee, but is also delegated to the proper officer, who shall require such a report on behalf of the committee when so requested by the Chairman or any 5 members. Alternatively the requirement may be raised by resolution passed at a meeting of the relevant Improvement and Scrutiny Committee.

#### **17.2 Cabinet's report to Council**

The Cabinet will prepare a report for submission to the next available meeting of the Council. However, if the next meeting of the Council is within 5 working days of receipt of the written notice, or the resolution of the committee, then the report may be submitted to the meeting after that. The report to Council will set out particulars of the decision and the reasons for the decision, the individual or body making the decision, and if the Leader is of the opinion that it was not a key decision the reasons for that opinion.

#### **17.3 Quarterly reports on special urgency decisions**

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

### **18. Record of Decisions**

After any meeting of the Cabinet or any of its committees, whether held in public or private, the proper officer or, where no such 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 at that meeting, as well as particulars of any conflict of interest declared.

### **19. Cabinet Meetings relating to matters which are not key decisions**

The Cabinet will decide whether meetings relating to matters which are not key decisions will be held in public or private.

### **20. Notice of private meeting of the Cabinet**

Members of the Cabinet or its committees will be entitled to receive three clear working days' notice of a meeting to which they are summoned, unless the meeting is convened at shorter notice as a matter of urgency.

### **21. Attendance at private meetings of the Executive**

#### **Cabinet Members**

- (a) All members of the Cabinet will be served notice of all private meetings of the Cabinet or any committees, whether or not they are members of that committee
- (b) All members of the Cabinet are entitled to attend a private meeting of the Cabinet or any committee of the Cabinet.

### **Improvement and Scrutiny Committee Members**

- (a) Where a matter under consideration at a private meeting of the Cabinet, or a committee of it, is within the remit of an Improvement and Scrutiny Committee / sub-committee, the Chairman of that committee or in his/her absence the Vice Chairman may attend that private meeting with the consent of the person presiding, though not speak unless those present agree.

### **Officers**

- (a) The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, and their nominees are entitled to attend any meeting of the Cabinet and its committees. The Cabinet may not meet unless the proper officer has been given reasonable notice that a meeting is to take place.

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- (b) A private Cabinet meeting may only take place in the presence of the proper officer or his/her nominee with responsibility for recording and publicising the decisions.

In all of the above cases, the provisions of Rule 18 (recording and publicising decisions) will apply.

## **22. Decisions by Individual Members of the Cabinet or Officers**

### **22.1 Reports intended to be taken into account**

Where an individual member of the Cabinet or an officer receives a report which he/she intends to take into account in making any key decision, then he/she will not make the decision until at least 5 working days after receipt of that report.

### **22.2 Provision of copies of reports to Improvement and Scrutiny Committees**

On giving of such a report to an individual decision maker, the person who prepared the report will give a copy of it to the Chairman of every relevant Improvement and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time (subject to exceptions regarding disclosure of e.g. confidential or exempt information).

### **22.3 Record of individual decision**

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

### **22.4 If the Council should adopt the provisions contained in Section 236 of the Local Government and Involvement in Public Health Act 2007 and delegates functions to individual ward members, the following procedure shall be followed:**

- (a) before making any such decision the ward Member shall give notice of his/her intention to the Head of Democratic, Legal and Policy Services who will notify Members and publish the information on the Council's website;
- (b) the notice shall be in the form of a brief report outlining the proposed decision and include officer input as appropriate;
- (c) a period of 5 working days will be allowed for comments to be made;
- (d) having considered any comments received, the Member may then make his/her decision which must then be forwarded to the Head of Democratic, Legal and Policy Services for formal publication and retention in accordance with the statutory requirements currently in force.

## **23. Improvement and Scrutiny Committees' access to documents**

### **23.1 Rights to copies**

Subject to Rule 23.2 below, members of an Improvement and Scrutiny Committee (including its sub-committees) will be entitled to copies of any document which is in the possession or control of the Cabinet or its committees and which contains material relating to

- (a) any business transacted at a public or private meeting of the Cabinet or its committees; or
- (b) any decision taken by an individual member of the Cabinet; or
- (c) any key decision taken by an officer.

### **23.2 Limit on rights**

An Improvement and Scrutiny Committee will not be entitled to:

- (a) any document that is in draft form;
- (b) any part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision they are reviewing or scrutinising or intend to scrutinise; or (c) the advice of a political adviser

## **24. Additional Rights of access for Members**

### **24.1 Material relating to business transacted at a Private Meeting**

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

- (a) it contains exempt information as defined in paragraphs 1 to 7 of the categories of exempt information; or
- (b) it contains the advice of a political adviser.

### **24.2 Other Cases**

All Members of the Council will be entitled to inspect any document (except those available only in draft form) in the possession of or under the control of the Cabinet or its committees which relates to any key decision unless paragraph (a) or (b) of Paragraph 24.1 above applies.

All Members will be entitled to inspect any document in the possession or under the control of the Cabinet and which contains material relating to any business to be transacted at a public meeting.

### **24.3 Nature of rights**

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

## **25. Register of Member Interests**

~~The Register of Member Interests as maintained under Section 81 of the Local Government Act 2000 is deposited at the District Council Offices, Queen Victoria Road, High Wycombe, Bucks HP11 1BB. It is updated annually or as individual circumstances require. The revised Code of Conduct (as adopted in 2008) is also deposited at this location. Both documents can be inspected during normal office hours free of charge.~~

The Register of Member Interests as maintained under the Localism Act 2011 can be found under the individual profiles of Members on the Council's website at <https://councillors.wycombe.gov.uk/mgMemberIndex.aspx?bcr=1> . Members are required to update the entries on their register as individual circumstances require. The current Code of Conduct for Members (as adopted in 2012) can be found at <https://councillors.wycombe.gov.uk/documents/s19827/Part%205%20-%20Codes%20and%20Protocols.pdf> .



## C Budget and Policy - Framework Procedure Rules

### 1. The Framework for Cabinet Decisions

The Council is responsible for the adoption of its budget and policy framework as set out in Article 4. Once a budget or a policy framework is in place, it becomes the responsibility of the Cabinet. Contract values reserved to full Council for approval under the Cabinet's Terms of Reference are deemed to be outside the approved budget framework.

The Council's Corporate Plan and medium-term financial strategy constitutes the budget and policy framework for the Authority, which is set following each District Council election every four years and then ~~refreshed on an annual basis~~ reviewed and updated as necessary. The Cabinet is responsible for reviewing progress against the Corporate Plan during the year and making any adjustments considered necessary.

### 2. Process for ~~Developing~~ Operating the Framework

~~(a) The Cabinet leads the development of the Corporate Plan and the annual refresh review and updating process, consulting internally and/or externally as considered appropriate to the issue. This can take the form of policy planning events in which all Members are invited to participate. Following this, and/or any other form of engagement considered appropriate with all Members and other stakeholders, the Cabinet will formally consider and recommend to Council the Corporate Plan and any revisions required as a result of the annual refresh.~~

~~(b) The Cabinet will have regard to the duty to inform, consult and involve as it produces and/or takes forward the implementation of the Corporate Plan in accordance with the Council's communication and engagement requirements.~~

~~(a) The Cabinet will lead this workshop day which will help to determine the key issues facing the authority over the coming year and the relevant priorities. This work will inform the process set out below.~~

~~(b) (i) At least 1 month before a plan/strategy/budget needs to be adopted, the Cabinet will meet to make proposals. The 1 month period may be reduced where it is not practicable to delay final approval until the next available scheduled Council meeting.~~

~~(ii) Consultation with local stakeholders (where practicable and appropriate) shall be carried out either before or after that meeting, but before any meeting of the Cabinet referred to in (d) below and in any event before the meeting of the Council to consider the matter. Where practicable, an outline of the consultation process shall be published. The aim should be to allow sufficient time for consultation to be meaningful.~~

~~(c) (c) The initial proposals of the Cabinet (or an individual Cabinet Member) or a report seeking approval of matters that might result in such proposals may be referred to the Chairman of the Improvement and Review Commission for consideration. The Chairman will then decide either to include the item in the next Commission agenda or to canvass the opinion of Commission Members as to whether such an item should be so included, in which case the majority view of the Commission Members shall prevail. If time does not permit a meeting of the Commission to be convened, views and comments of Commission Members may be sought and reported to the Cabinet or Council as required. If the Commission considers the proposals, it may canvass the views of local stakeholders where appropriate. If the Commission decides not to consider a~~

matter, the Chairman should give reasons for not doing so to the Cabinet or Cabinet Member if they referred the matter. If the Commission considers the matter and agrees with the Cabinet's initial proposals, then, provided such proposals are complete, it may recommend direct to the Council that those proposals be accepted. If the Commission disagrees with the Cabinet's initial proposals or wishes to amend, vary or add to such proposals, or considers that such proposals are incomplete, the Commission shall report to the next or next appropriate meeting of the Cabinet accordingly.

(d) Alternatively, the Improvement and Review Commission can call for a report on any matter relating to the policy and budget framework when it reviews the Cabinet's Forward Plan at each meeting.

~~(d)~~ ~~(e)~~ Where it has been necessary to consider a report from the Commission, the Cabinet, if it considers it appropriate, may accept, reject or amend its proposals before submitting them to the Council meeting for consideration. It will also report to Council on how it has taken into account any recommendations from the Commission and record any reasons for rejecting or amending the Commission's recommendations in the minutes of the Cabinet meeting.

~~(e)~~ ~~(f)~~ Where a matter (whether or not included as a key decision in the Forward Plan) which was originally believed not to involve the adoption of a plan/strategy/ budget subsequently turns out to involve such a matter, then if it is appropriate and time permits, consultation may be carried out and the matter may be referred to the Chairman of the Improvement and Review Commission for consideration under the above procedure ~~in (e) above~~ prior to the Council meeting at which the Cabinet's recommendation is to be considered.

~~(f)~~ ~~(i)~~ ~~(g)~~ ~~(i)~~ Any Member of the Council may refer to the Commission a matter covered by the Policy and Budget Framework Rules provided it relates to the discharge of any function of the Council, it affects all or part of the Member's ward or anyone living in that ward and it is not an excluded matter (This is usually known as the 'councillor call for action'). Members should seek officer advice if unsure about whether a matter falls within this paragraph. In considering whether to exercise its powers in relation to such a matter, the Commission may have regard to any representations made by the Member as to why it would be appropriate for the Committee to do so. If the Commission decides not to do so, it must notify the Member of its decision with its reasons.

~~(ii)~~ ~~(ii)~~ Any Member of the Commission may refer to the Commission a matter covered by these Budget and Policy Framework Rules if it is relevant to the functions of the Commission.

~~(g)~~ ~~(h)~~ — The Council may also specify (if any) the extent of virement within the budget and degree of changes to the policy framework which may be undertaken by the Cabinet or a Committee of the Council as appropriate. Otherwise, (subject to paragraphs 5 and 6 of these rules) any changes to the budget and policy framework are reserved to the Council.

~~(h)~~ ~~(i)~~ The se procedure(s) as appropriate ~~in (b), (c), (d) or (e) above~~ shall also apply to any amendment, modification, variation or revocation of any plan or strategy, unless the Cabinet is authorised by the Council to make the same at the time such plan or strategy is approved or adopted.

**3. Conflict Resolution Procedure in setting the Budget and Policy Framework**

A The Cabinet shall submit the following to the full Council to consider:

(a) the draft budget

(b) the draft Corporate Plan ~~and the annual refresh document~~

- (c) any draft plan or strategy for the control of the authority's investment, borrowing or capital expenditure
- (d) the draft Treasury Management Strategy
- (e) the draft Sustainable Community Strategy
- (f) the draft Crime and Disorder Reduction Strategy
- (g) the proposed Development Plan
- (h) Other statutory plans and strategies or other plans or strategies which the Council have determined should be approved by the Council, rather than the Cabinet.

B 1. In this Paragraph

"executive" and "executive leader" have the same meaning as in Part 11 of the Local Government Act 2000(a); and

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

2. Where the Cabinet has submitted a draft plan or strategy to the Council for its consideration and, after consideration, the Council has any objections to it, the Council must take the action set out in paragraph B.1.3.

"plan or strategy" and "working day" have the same meaning as in the Local Authorities (Standing Orders) (England) Regulations 2001.

3. Before the Council -

- (a) amends the draft plan or strategy;
- (b) approves, for the purpose of its submission to the Secretary of State or any Minister of the Crown for his approval, any plan or strategy (whether or not in the form of a draft) of which any part is required to be so submitted; or
- (c) adopts (with or without modification) the plan or strategy, it must inform the Leader of any objections which it has to the draft plan or strategy and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, the draft plan or strategy submitted to it.

4. Where the Council gives instructions in accordance with paragraph B.1.3, it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-

- (a) submit a revision of the draft plan or strategy as amended by the Cabinet (the "revised draft plan or strategy"), with the Cabinet's reasons for any amendments made to the draft plan or strategy, to the Council's for the Council's consideration; or
- (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.

5. When the period specified by the Council has expired, the Council must, take into account any amendments made to the draft plan or strategy, the Cabinet's reasons for those amendments, any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified, before amending or, adopting a plan or strategy or submitting any matter (required to be submitted) to the Secretary of State for approval.
6. Subject to paragraph B.1.10, where before 8 February in any financial year, the Cabinet submits to the Council for its consideration in relation to the following financial year:-
  - (a) estimates of the amounts to be aggregated in making a calculation (whether originally or by way of substitute) in accordance with any of sections 32 to 37 or 43 to 49, of the Local Government Finance Act 1992;
  - (b) estimates of other amounts to be used for the purposes of such a calculation
  - (c) estimates of such a calculation; or
  - (d) amounts required to be stated in a precept under Chapter IV of Part I of the Local Government Finance Act 1992,

And following consideration of those estimates or amounts the Council has any objections to them, it must take the action set out in paragraph B.1.7.

7. Before the Council makes a calculation (whether originally or byway of substitute) in accordance with any of the sections referred to in paragraph 6(a), or issues a precept under Chapter IV of Part I of the Local Government Finance Act 1992, it must inform the Leader of any objections which it has to the Cabinet estimates or amounts and must give to him/her instructions requiring the Cabinet to reconsider, in the light of those objections, those estimates and amounts in accordance with the Council's requirements.
8. Where the Council gives instructions in accordance with paragraph B.1.7 it must specify a period of at least five working days beginning on the day after the date on which the Leader receives the instructions on behalf of the Cabinet within which the Leader may:-
  - (a) submit a revision of the estimates or amounts as amended by the Cabinet, which have been reconsidered in accordance with the Council's requirements, with the Cabinet's reasons for any amendments made to the estimates or amounts, to the Council for consideration; or
  - (b) inform the Council of any disagreement that the Cabinet has with any of the Council's objections and the Cabinet's reasons for any such disagreement.
9. When the period specified by the Council, referred to in paragraph B.1.8, has expired. the Council must, when making calculations (whether originally or by way of substitute) in accordance with the sections referred to in paragraph B.1.6(a), or issuing a precept under Chapter IV of Part I of the Local Government Finance Act 1992, take into account:-
  - (a) any amendments to the estimates or amounts that are included in any revised estimates or amounts;

- (b) the Cabinet's reasons for those amendments;
- (c) any disagreement that the Cabinet has with any of the Council's objections; and
- (d) the Cabinet's reasons for that disagreement, which the Leader submitted to the Council, or informed the Council of, within the period specified.

10. Paragraphs B.1.6 to B.1.9 shall not apply in relation to:-

- (a) calculations or substitute calculations which an authority is required to make in accordance with section 52I, 52J, 52T or 52U of the Local Government Finance Act 1992, and
- (b) amounts stated in a precept issued to give effect to calculations or substitute calculations made in accordance with section 52J or 52U of that Act.

#### **4. Decisions Outside the Budget or Policy Framework**

- (a) Subject to the provisions of paragraph 2 (gf) and (gh) and 5 any decisions must be in line with the budget and policy framework. Any decision which is contrary to or not wholly in accordance with a policy or within the budget approved by full Council, may only be taken by the Council.
- (b) If the Cabinet, any Committees of the Cabinet, individual members of the Cabinet and any officers, or joint arrangements discharging Cabinet functions want to make such a decision, they shall take advice from the Monitoring Officer and/or the Chief Financial Officer.

#### **5. Urgent Decisions outside the Budget or Policy Framework**

- (a) A decision which is contrary to the Council's policy framework or contrary to or not wholly in accordance with the budget approved by full Council may be taken without the Council's approval if the decision is a matter of urgency. However, the decision may only be taken:
  - i) if it is not practical to convene a quorate meeting of the full Council; and
  - ii) if the Chairman of the Improvement and Review Commission agrees that the decision is a matter of urgency.

The reasons why it is not practical to convene a quorate meeting of full Council and the consent of the Chairman of the Improvement and Review Commission to the decision being taken as a matter of urgency must be noted on the record of the decision. In the absence of the Chairman of the Improvement and Review Commission, the consent of the Chairman of the Council or in the absence of the Chairman, the Vice-Chairman will be sufficient.

- (b) Following the decision, the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

#### **6. Virement**

Provision for this is made in Financial Regulations.

## **D Cabinet Procedures and Processes**

### **1.0 How the Cabinet Operates**

The detailed arrangements for the discharge of executive functions by the Cabinet and delegation to individual Cabinet Members and officers are as set out in the Cabinet Terms of Reference and the executive scheme of delegation to officers (Part 3) of the Constitution.

### **1.1 The Leader of the Council**

The Leader of the Council will present these terms of reference formally to the Council at its Annual Meeting together with:

- (i) the number of portfolios and their responsibilities for the forthcoming Council year;
- (ii) the names, addresses and wards of the people appointed to the Cabinet;
- (ii) the terms of reference, constitution and membership of any Cabinet committees;
- (iii) the schemes of delegation of executive functions to any area committees, any other authority or any joint arrangements and the names of those Cabinet members appointed to any joint committee for the coming year.

The Leader of the Council will also:

- (i) appoint and dismiss a Deputy Leader;
- (ii) appoint and dismiss up to 8 other Cabinet Members. (Appointments and dismissals may take place at any time subject to the provisions of Article 7.0.4 and Standing Order 18.9);
- (iii) assign portfolios to the Cabinet member he or she considers to be most suitable;
- (iv) determine which matters will be dealt with by full Cabinet and which will be delegated to individual Cabinet Members;
- (v) have overall responsibility for the Executive functions of the Council;
- (vi) have principal responsibility for the political and policy direction of the Council; and
- (vii) chair meetings of the Cabinet or appoint another Cabinet Member to do so in his or her absence.

### **1.2 The Cabinet**

The Cabinet shall:

- (i) meet in public unless considering business defined as exempt or confidential in Access to Information requirements;
- (ii) hold its meetings at the District Council Offices or at another location determined by the Leader;
- (iii) abide by the rules contained in the Council's Code of Conduct in respect of conflict of interests;
- (iv) consider reports and make decisions as necessary;

- (v) when making decisions, follow the principles of decision making as set out in the protocol for Cabinet decision making;
- (vi) agree any annual reports and any statutory reports prior to submission to full council;
- (vii) monitor overall performance, including taking into accounts from the Audit Committee and, as necessary, the Improvement and Review Commission;  
~~and~~
- (viii) agree responses to consultation papers ~~where a Member response is when required;~~
- (ix) receive reports from the appropriate Cabinet Member, but which include advice from relevant officers and take into account comments from the Improvement and Review Commission as appropriate;
- (x) receive reports from officers as appropriate;
- (xi) publish its timetable of meetings by the February of each year for the forthcoming Council year;
- (xii) allow sufficient time between the making of a key decision and its implementation for agreed call-in procedures to be implemented;
- (xiii) consult regularly with the Chairman of the Improvement and Review Commission and Local Members; and
- (xiv) permit other Members to attend and participate (but not vote) by invitation of the Leader.
- (xv) Consider any recommendations made by the Improvement and Review Commission.
- ~~(xiv)(xvi)~~ Receive any referrals from any committees set up by Cabinet, including the High Wycombe Town Committee.

**Comment [CM1]:** The Chief executive has delegation to determine how to respond to consultations, so I suggest a rewording to this one.

### 1.3 Individual Cabinet Members

Individual Cabinet Members will

- (i) abide by the principles of collective responsibility;
- (ii) attend all meetings of Cabinet unless absence is approved in advance by the Leader;
- (iii) take individual responsibility for whatever portfolio or area may be allocated by the Leader in accordance with the approved scheme of delegation; and
- (iv) may appoint portfolio advisory groups in accordance with the current procedures.

## 2.0 Cabinet Meetings

### 2.1 Frequency and Venue

The Cabinet will meet at least 5 times per year, usually on a Monday (or as set out in the published timetable of meetings) at times to be agreed by the Leader.

Meetings will be held at the Council's main offices or another location to be agreed by the Leader, and will usually start at 7pm.



All meetings will be open to the press and public unless reports are considered which fall within the definitions of confidential or exempt information as defined in Paragraphs 1 – [7.15](#), Part 1, Schedule 12A of the Local [Government Act 1972](#).

An agenda for the meeting will be published 5 clear days before the meeting date.

The Leader of the Council will chair Cabinet meetings, but in his or her absence, the Deputy Leader will chair Cabinet meetings.

If both the Leader and Deputy Leader of the Council are absent, the Cabinet will appoint another Cabinet Member to chair that meeting.

## **2.2 Organisation of business**

The order of business shall be:

- (i) Minutes of the last meeting
- (ii) Declarations of interest (if any)
- (iii) Matters referred to the Cabinet for reconsideration
- (iv) Consideration of reports from Improvement and Review Commission
- (v) Matters set out in the agenda for the meeting which are 'key' decisions
- (vi) Other decisions
- (vii) Exempt business

All reports will include details of consultation carried out or proposed to be carried out.

## **2.3 Agenda items**

The Leader or any Cabinet member may place any item on the agenda for a Cabinet meeting whether or not that matter is the responsibility of the Cabinet. However, the Cabinet can only recommend a course of action to the Council if not an executive function.

Any Member of the Council may request the Leader to place an item relating to a Cabinet function on the Cabinet agenda. If the Leader agrees to such an item, the agenda will give details of the Member asking for the item to be considered and that Member will be invited to attend the relevant meeting whether or not the meeting is to be held in public.

The Head of the Paid Service, the Monitoring Officer or the Chief Financial Officer may include items on the agenda. Where any two of the above statutory officers are of the opinion that an item should be included on an agenda and there is no meeting scheduled soon enough to make the necessary decision, they may require that a meeting be convened.

## **2.4 Quorum**

The quorum for a meeting of the Cabinet, or a committee of it, shall be 3.

## **2.5 Publication of Reports and Decisions**

No decision may be made based upon any report unless that report has been available for public inspection for at least 5 working days (subject to the urgency procedure).

The proper officer will maintain copies of all such reports.

Decisions will be published and a record of all such decisions kept together with the reasons for that decision, details of any alternative options considered and rejected at the time by the Member when he or she made the decision and records of any conflicts of interest arising during the making of the decision and any dispensation granted in respect of that decision by the Standards Committee.

Decisions of the full Cabinet will usually be published the Thursday following the Monday Cabinet meeting.

A summary of all individual Cabinet Member decisions made in the previous week will be circulated to all Members on a weekly basis.

### **3.0 Delegation**

The Leader may amend the scheme of delegation to the Cabinet, individual Cabinet members, officers or any other body relating to executive functions at any time by giving written notice to the proper officer and to the person, body or committee concerned. If the Leader withdraws or changes delegation from a committee, it will be sufficient to serve notice on its chairman.

The proper officer will present a report to the next ordinary meeting of the Council setting out the changes made by the Leader.

Any member of the Cabinet responsible for the discharge of an executive function may delegate further to an officer, but only the Leader may delegate to a joint committee with one or more other local authorities.

Where the Cabinet is responsible for the discharge of an executive function it may delegate further to a committee of the Cabinet or to an officer.

Unless the Leader directs otherwise, a committee of the Cabinet to whom functions have been delegated by the Leader may delegate further to an officer.

Even where executive functions have been delegated, that does not prevent the person or body who delegated the function from exercising that function himself.

### **4.0 Decision Making**

#### **4.1 How decisions will be taken**

Executive decisions which have been delegated to the Cabinet as a whole will be taken at a meeting convened in accordance with the Access to Information Rules in Part 4.3 of the Constitution.

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

Decisions cannot be implemented until 5 working days have elapsed after the date of the meeting or date of publication to allow for possible call-in.

#### **4.2 Principles of Decision Making**

In order to guard against a legal challenge of any decision, the principles set out below must be followed:

- (i) all relevant matters must be fully taken into account and irrelevant matters not taken into account

- (ii) all necessary officer advice must be sought
- (iii) Standing Orders, Financial Regulations and Contract Standing Orders must be complied with
- (iv) Any decision must be in accordance with the approved terms of reference and current Scheme of Delegation
- (v) Any declaration of interest must be made
- (vi) The decision must be properly recorded and published within the approved timescale
- (vii) A clear audit trail for the decision and the reasons therefore must be made available

#### **4.3 Conflicts of Interest**

If the Leader of any other member of the Cabinet has a conflict of interest this should be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution. If so provided under any legislation or code of conduct for the time being in force, the Member must withdraw / take no part in the discussion.

If every member of the Cabinet has a conflict of interest this should also be dealt with as set out in the Council's Code of Conduct for Members in Part 5 of this Constitution.

If the exercise of an executive function has been delegated to a Committee of the Cabinet, an individual Member or an officer, and a conflict of interest arises, then the function will revert in the first instance to the person or body by whom the delegation was made and otherwise as set out in the Council's Code of Conduct for Members in Part 5 of the Constitution.

#### **4.4 The Forward Plan**

The Forward Plan, WDC's details of decisions to be taken, will be updated on a regular basis.

The following information will be included:

- (i) The subject matter (unless an exempt or confidential matter in which case only information which would not prejudice the Council will be included)
- (ii) The person or body by whom the decision is to be taken
- (iii) The anticipated date or period within which the decision will be taken
- (iv) Whether the report will be held wholly or partly in private
- (v) The reason why no public access will be granted.
- (vi) The Lead Member and contact officer.

#### **4.5 Proposed decisions not included in the Forward Plan**

Under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the exception notice given to the Chair of the Improvement & Review Commission in urgent circumstances must also be available to the public and put on the website including reasons why it was not possible to comply with the requirements of the Act. There are similar special

urgency provisions if it is not possible to comply with the 5 day notice with the consent of the Chair of Overview and Scrutiny that the matter is urgent and cannot reasonably be deferred and notice with reasons is published to that effect.

When the Cabinet needs to take a decision which is not contained in the Forward Plan, the proper officer must notify the Improvement and Review Commission Chairman in writing at least three working days before the decision is intended to be taken, and publish an exception notice for public inspection.

#### 4.6 Statutory definition of a Key Decision

A key decision is defined by the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 as one that is likely either:

- (i) To result in the authority incurring expenditure or making savings which are significant in terms of the authority's budget for the service or function to which that decision relates; or
- (ii) To be significant in terms of its effects on those living or working in an area comprising two or more wards in the area.

It is for each authority to determine what is 'significant' in each case.

#### 4.7 Wycombe's definition of a Key Decision

- ~~(i) The decision is not in accordance with any one or more of the following:
  - ~~(a) the overall Strategic Budget~~
  - ~~(b) the Revenue Budget~~
  - ~~(c) the Capital Programme~~
  - ~~(d) the Housing Revenue Account~~
  - ~~(e) Borrowing Limits set by the Council~~~~
- ~~(ii) The decision is in conflict with or a departure from a policy, plan or strategy approved by the Council or any person or body of the Council authorised to set a policy, plan or strategy on the Council's behalf~~
- ~~(iii) It raises new issues of policy~~
- ~~(iv) It increases budgetary commitments~~
- ~~(v) It proposes expenditure or savings in excess of £250,000, save in respect of land acquisitions or disposals (see (vi)(b) below)~~
- ~~(vi) It requires any of the following:
  - ~~(a) Staff for which there is no budgetary provision~~
  - ~~(b) The acquisition or disposal of land or any interest therein in excess of a value of £1,000,000~~
  - ~~(c) The entering into of a contract with an estimated value in excess of £100,000~~
  - ~~(d) Requires a virement in excess of the limit set by the Cabinet~~
  - ~~(e) The making, approval or publication of any draft or final scheme which requires approval from a Minister of the Crown~~~~

(f) — Initiation of legislation

(g) — ~~Is of such significance to all or a part of the area, that the person to whom the decision is delegated, considers that it should be treated as a key decision~~

~~**NB** Excluded from paragraphs (v) and (vi)(c) above are contracts for and expenditure on, 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, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.~~

- Proposals that fall outside the Council's budget and policy framework.
- Proposes expenditure or savings in excess of £250,000 for both revenue and capital budgets
- Acquisition or disposal of land in excess of a value of £1,000,000
- Has a significant effect on two or more wards in the District

#### **4.8 Information to be included in a key decision**

No key decision may be taken unless a written report has been published at least 5 working days in advance which includes all or as many as are relevant of the following:

- (i) Details of the officer or Member making the recommendation
- (ii) The reasons for the recommendation and any other options
- (iii) Any legal requirements
- (iv) The person or body which will take the decision
- (v) Details of the issue to be decided
- (vi) The proposed date of the decision
- (vii) The date by which and to whom representations should be made
- (viii) The timescale for implementation of the decision
- (ix) Confirmation or otherwise that the decision is contained within the Forward Plan
- (x) Where the issue is not within the Forward Plan, and it is not possible to give 5 working days' notice, whether the written agreement of the relevant Improvement and Scrutiny Chairman has been obtained, and if not, why the proposed decision cannot reasonably be deferred
- (xi) Whether the issue includes exempt or confidential information
- (xii) Any comments from the Improvement and Review Commission Chairman and Local Member(s)
- (xiii) Any professional officer advice or comments, whether this supports or opposes the proposed decision
- (xiv) Any consultations undertaken
- (xv) Any relevant policy, national or regional guidance
- (xvi) All resource implications
- (xvii) Appropriate background papers

#### **4.9 Urgent Decisions**

In cases of urgency, where the decision would be a 'key decision', and it is not practicable to follow the procedure set out above under 'Proposed Decisions not included in the Forward Plan', then the decision can only be taken subject to the written agreement of the Improvement and Review Commission, or in his or her absence, the Chairman or Vice-Chairman of the Council that the making of the decision is urgent and cannot reasonably be deferred.

The Leader must report a summary of any urgent decision(s) to full Council at least quarterly.

## APPENDIX

### DETAILED PROCEDURE TO BE FOLLOWED FOR INDIVIDUAL DECISION MAKING

#### Cabinet Members

The relevant Officer will submit a report to the appropriate Cabinet Member with a decision sheet for the Cabinet Member to sign. Copies of the necessary forms can be found on [Wyspace under Documents – add or search – Democratic, Legal & Policy Services](#), ~~the Green Pages under the Corporate Resources icon.~~

[NB - If the Cabinet Member has a [disclosable pecuniary personal or prejudicial](#) interest in the matter, this must be declared, ~~and – If prejudicial, the matter~~ will be referred by the relevant Officer to the Leader or Deputy Leader of the Council or full Cabinet for decision. If it is considered at a meeting the Portfolio holder must declare his or her interest and withdraw/take no part in the discussion.]

Following receipt of a signed decision sheet, the relevant Officer will immediately forward to the [Head of Democratic, Legal & Policy Services Council Secretariat](#):

- (i) the original, signed copy of the Decision Sheet
- (ii) the supporting report
- (iii) [the original, signed copy of the Corporate Governance Checklist](#)

The [Head of Democratic, Legal and Policy Services Council Secretariat](#) will:

- (i) Assign each decision a number and retain the original papers on file
- (ii) Publish ~~each Monday~~ a Schedule of Executive Decisions (including all information required to be recorded by the [Local Authority \(Executive Arrangements\) \(Access to Information\) \(England\) Regulations 2000 and 2002 Local Authorities \(Executive Arrangements\) \(Meetings and Access to Information\) \(England\) Regulations 2012](#))
- (iii) As soon as reasonably practicable, place on deposit for public inspection the Schedule plus the reports relating to each decision. (Documents containing confidential or exempt information will not be disclosed)

Published decisions cannot be implemented until **5 clear working days** after the date of publication by the [Head of Democratic, Legal and Policy Services Council Secretariat](#). This is to allow for possible 'call-in'.

If the 'call-in' procedures are invoked the implementation of the decision is frozen.

The [Head of Democratic, Legal and Policy Services Council Secretariat](#) will notify the relevant Officer and Cabinet Member, ~~and include details in the next Schedule of Executive Decisions~~. The decision will then be referred for consideration under the procedure set out in the Improvement and Scrutiny [Commission](#) protocol.

[NB - 'publish' means circulation to all Councillors, officers, the media, places of public deposit, intranet/internet]

#### Officers

The relevant Officer will prepare a report and either sign the decision sheet or pass this to an authorised officer to sign. Copies of the necessary forms can be found on [Wyspace under Documents – add or search – Democratic, Legal & Policy Services](#), ~~the Green Pages under the Corporate Resources icon.~~



[NB - If the Officer making the decision has a [disclosable](#) pecuniary or non-[disclosable](#) pecuniary interest in the matter, this must be declared. If participation in the decision would be precluded by any legislation or code of conduct for the time being in force, the relevant officer will refer the matter to the Cabinet Member or full Cabinet for decision as appropriate.]

~~Once the decision sheet has been signed, the relevant Officer will immediately forward to the Head of Democratic, Legal and Policy Services Council Secretariat:~~

~~(i) the original, signed copy of the Decision Sheet~~

~~(ii) the supporting report~~

~~The Head of Democratic, Legal and Policy Services Council Secretariat will:~~

~~(i) Assign each decision a number and retain the original papers on file~~

~~(ii) Publish on a each Monday the a Schedule of Executive Decision\_s (including all information required to be recorded by the Local Authority (Executive Arrangements) (Access to Information) (England) Regulations 2000 and 2002~~

~~(iii) All decisions taken will be published on the Council's web site\_s soon as reasonably practicable, place on deposit for public inspection the Schedule plus the reports relating to each decision. (Documents containing confidential or exempt information will not be disclosed)~~

~~Published decisions cannot be implemented until 5 clear working days after the date of publication by the Head of Democratic, Legal, and Policy Services Council Secretariat. This is to allow for possible 'call-in'.~~

~~If the 'call in' procedures are invoked the implementation of the decision is frozen.~~

~~The Head of Democratic, Legal and Policy Services Council Secretariat will notify the relevant Officer\_ and include details in the next Schedule of Executive Decisions. The decision will then be referred for consideration under the procedure set out in the improvement and Scrutiny Commission protocol.~~

~~{NB - 'publish' means circulation to all Councillors, officers, the media, places of public deposit, intranet/internet}~~

**Comment [CM2]:** This appears to be a duplicate of the text above.

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## **E. IMPROVEMENT AND REVIEW PROTOCOL**

### **Introduction**

1. The Council will have the Improvement and Review Commission with the terms of reference as set out in Section 5 of the Constitution. The Council will appoint Members to the Improvement and Review Commission annually in accordance with Council Procedure Standing Orders. The Improvement and Review Commission is the principal means by which the Cabinet will be held to account. However, it will also assist in the development of Council policy by looking at existing policies and the effectiveness of delivery and may recommend whether new policies or changes to existing policies are needed.
2. The guiding principle for the work of the Improvement and Review Commission is that it should be consensual and positive rather than adversarial and negative. It is accepted that some work (particularly call-in) could be adversarial in a political environment, but the emphasis should be on making a proactive and positive contribution to the development of policy and the discharge of the Council's functions. This should be an inclusive process covering members, partners, service users and staff.
3. The Improvement and Review Commission has the scope to establish up to four Task and Finish Groups at any one time to conduct specific reviews.
4. The Improvement and Review Commission will receive work in one of the following ways (in each case the matter shall be included on the agenda of the Commission):-
  - (i) The main strategies, plans and policies comprising the Policy Framework and the Cabinet's proposed budget, referred from Cabinet for comments.
  - (ii) Any item identified by the Improvement and Review Commission for review which would normally be referred to it under the budget and policy framework or specifically identified by the Commission from the Cabinet Forward Plan.
  - (iii) Items included within the Improvement and Review Commission's own programme of work.
  - (iv) Other items referred to the Improvement and Review Commission from the Cabinet or Cabinet Members (either for preliminary examination or review) save where the Commission does not wish to consider the matter.
  - (v) Items raised at Council and referred initially to the Cabinet for re-examination where the Cabinet asks the Improvement and Review Commission to look at them or where the Council refers the matter directly to it.
  - (vi) Appropriate items arising from the Improvement and Review Commission calling-in rules.
  - (vii) Items raised by a member of the Improvement and Review Commission, which are relevant to the functions of the Commission under section 21A (1) (a) of the Local Government Act 2000.
  - (viii) Items concerning local government matters which are relevant to the functions of the Commission as referred to in section 21A (1) (c) of the Local Government Act 2000 which are raised by a member of the Council who is not a member of the Improvement and Review Commission [The "Councillor Call for Action"]].

- (ix) Items concerning any local crime and disorder matter as defined by s.19(11) of the Police and Justice Act 2006, which are raised by a member of the Council who is not a member of the Improvement and Review Commission.

### **Provision in relation to the work of the Commission**

- 5. (i) In considering whether or not to take any action in response to a matter referred by a Member under paragraph 4 (vii) or (viii) above, the Commission may have regard to:-
  - (a) any powers which the Council may have in relation to the matter under section 236 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”) (exercise of functions by local councillors, where this has been approved by the Council); and
  - (b) any representations made by the member as to why it would be appropriate for the Commission to take action in exercise of its statutory powers. The Member shall have a right to attend the meeting of the Commission at which the matter is to be discussed. If the Commission decides not to exercise any of those powers, it must notify the member of its decision and the reasons for it.
- (ii) The Commission must also provide the Member with a copy of any report or recommendations which it makes to the Council or the Cabinet in relation to a matter referred under paragraph 4(vii) or (viii) above subject to paragraph 55 in relation to exclusion of confidential or exempt information.
- (iii) In the event that Cabinet declines to accept any of the recommendations of the Improvement and Review Commission, the Commission will be informed of the reasons in detail by means of the Cabinet minute.

### **Programme of Work**

- 6. The Improvement and Review Commission will set its own work programme, including undertaking joint reviews with other Councils as considered appropriate.
- 7. Where the Improvement and Review Commission believes that a particular matter should be included in the Cabinet Forward Plan, it may so recommend to the Cabinet and may require the Cabinet to report to it on the matter, but the final decision as to whether to include a matter within the Forward Plan remains with the Cabinet.
- 8. There shall be scheduled at least 5 ordinary meetings each year of the Improvement and Review Commission.
- 9. The Commission shall meet no less than once every 12 months to review or scrutinise decisions made or actions taken in connection with the discharge of crime and disorder functions.

### **Procedures at Improvement and Review Commission Meetings**

- 10. The Commission will operate in accordance with the Council’s standing orders and this Protocol.
- 11. Call-in procedures are restricted to Cabinet decisions Cabinet Member decisions and decisions of Officers set out in the Schedule to this Protocol only; they do not extend to decisions of Committees of the Council.
- 12. The Chairman and Vice-Chairman of the Improvement and Review Commission will be appointed at the Annual Council meeting.

## **Pre-determination**

13. In addition to the usual rules on interests Members must declare any previous involvement in a matter at the relevant meeting.

## **Speakers**

14. The Improvement and Review Commission may require any of the following to attend a meeting to answer questions:-
  - (i) A Cabinet member.
  - (ii) An Officer (other than a political adviser), in which case the request shall be directed to the relevant Head of Service.
  - (iii) any other member of the Council if and to the extent that the questions relate to any function which is exercisable by the member under section 236 of the Local Government and Public Involvement in Health Act 2007.
15. If the Improvement and Review Commission asks for an Officer to attend who is not the Chief Executive, a Corporate Director or a Head of Service; the Chief Executive, Corporate Director or Head of Service is also entitled to be heard by the Improvement and Review Commission. If the Chief Executive, a Corporate Director or a Head of Service is asked to attend they may nominate another Officer to be heard on their behalf. A Cabinet member may ask an Officer to attend with him or her to assist in providing technical advice.
16. Officers shall be accountable to the Improvement and Review Commission in respect of decisions which they have taken and advice which they have given.
17. Subject to paragraph 18 below, the Improvement and Review Commission may request any of the following to attend an Improvement and Review Commission meeting:-
  - (i) Any elected Member or co-opted person.
  - (ii) A representative of any relevant outside body.
  - (iii) Any external expert to give evidence provided arrangements can be made within the budget to pay any expenses or fees incurred.
  - (iv) Any resident of the District or organisation that the Commission believes to have a legitimate interest in the topic under consideration.
18. Paragraph 17 is subject to the following provisions:-
  - (i) Not less than three working days' notice, except in a case of urgency.
  - (ii) If a Member or Officer is unable to attend for a specific reason, then he or she may nominate another Member or Officer to attend who is able to speak on the topic.
  - (iii) Anyone asked to attend shall be entitled to see the terms of reference and the public papers relating to the particular matter under consideration prior to the meeting and wherever possible on the same timescale as that applicable to a member of the Improvement and Review Commission.
  - (iv) Anyone asked to speak shall wherever possible (but at the Chairman's discretion) be given access to statements submitted by people from whom the Improvement and Review Commission has already heard but not those who

have not yet given evidence. The Chairman of the Improvement and Review Commission shall have a discretion to disclose other papers, including statements submitted by following speakers and confidential (exempt) material, if he or she considers (having taken advice from appropriate Officers) that it will help the speakers to address a particular point or will otherwise assist the Improvement and Review Commission's examination of the issue.

- (v) All speakers shall respect the confidentiality of any confidential or exempt information they receive and shall not disclose it without the authorisation of the Improvement and Review Commission.
- (vi) Speakers may submit relevant papers in advance (or at the meeting) to the Improvement and Review Commission.
- (vii) Speakers may bring any notes or other papers that are helpful to them in assisting the Improvement and Review Commission, but (subject to any privilege and confidentiality rule) must make these available to the Commission at the request of the Chairman.
- (viii) Provided that no confidential or exempt information is contained in them, or their disclosure or circulation might give rise to criminal proceedings against the Council or its officers, papers submitted by speakers shall become public documents once they have presented their evidence and shall be cited as background papers to the Improvement and Review Commission's published report. Care must also be taken in respect of the Freedom of Information Act 2000.
- (ix) Officers and Portfolio Advisory Group members will not be required to give a personal opinion on any Cabinet decision [or decision of an individual Cabinet member] which is different from the recommendation they made.
- (x) Improvement and Review Commission members may be expected to ask searching questions but will always be polite and treat any speaker with respect. No questions that impinge on their personal and private lives will be permitted unless this impinges directly upon the subject under discussion, or in the case of Members and Officers, the performance of their Council duties.
- (xi) Where any person objects to a question as unreasonable, he or she should tell the Chairman why he or she objects to that question. The Chairman should then either:-
  - (a) Rule that the question be pursued or be no longer pursued;
  - (b) If so requested by the speaker, adjourn the meeting to hear in private the speaker's reasons for objection and the questioner's reasons for pursuing the question, and following advice from the Head of Democratic and Legal Services and/or District Solicitor (or their respective authorised representatives) rule whether the question should or should not be pursued; or
  - (c) Adjourn the question, requesting the speaker to submit a statement of his or her reasons for the objection and the questioner to submit a statement of his or her reasons for pursuing the question. The advice of the Head of Democratic, Legal and Policy Services and/or District Solicitor (or their respective authorised representatives) should then be sought before the Chairman decides whether the matter should be put before a subsequent meeting of the Improvement and Review Commission, and the question pursued.

- (xii) Each speaker will have five minutes to contribute evidence, or longer if the Chairman agrees. If someone making a contribution exceeds the time limit the Chairman may stop him or her.
- (xiii) Improvement and Review Commission members should limit their questions to the matter under consideration. The Chairman may structure the debate to limit the time allowed for questioning.
- (xiv) Speakers will be entitled to a copy of any draft minute or other record taken of their contribution for comment. Should they feel that such record is not accurate they will be given the opportunity to make a written representation asking for a correction to be submitted to the next meeting of the Improvement and Review Commission.
- (xv) Improvement and Review Commission meetings shall be open to the press and public except where they are considering matters which are exempt or confidential as defined under the Local Government Act 1972 (see Standing Order 18).

### **Documentation**

- 19. The Improvement and Review Commission may within the limits of any budget that may be assigned from time to time, commission research or advice (including from external organisations) to assist in any deliberations.
- 20. Improvement and Review Commission members who have access to confidential or exempt material must respect the confidentiality of that material at all times, and must not use it in a context other than an Improvement and Review Commission examination without the permission of the originator of the material or the Improvement and Review Commission.
- 21. Subject to the exceptions set out in the Access to Information Procedure Rules, the Improvement and Review Commission will also have access to background information from a range of sources.
- 22. The Improvement and Review Commission will not have access to advice given by a political adviser.
- 23. Any Officer considering a request for a Member to access documents shall have regard to advice from the District Solicitor (or his/her authorised representative) on the question of that Member's entitlement (or otherwise) to access under any relevant legislation or the Common Law.

### **Membership / Co-Option**

- 24. The Improvement and Review Commission may have such co-optees or establish such Task and Finish Groups to carry out work within the remit of the Commission as it wishes, but co-optees will not be able to vote (Sec 21(10) LGA 2000). The number of Members on any such Sub-Committee, their term of office, the terms of reference of the Sub-Committee or working group and any restricted area (geographical or otherwise) shall be resolved by the Commission at the time of appointing the Sub-Committee or working group.
- 25. The Chairman (and sometimes the Vice-Chairman) of the Task and Finish Group is normally announced by the Chairman of the Improvement and Review Commission at the meeting at which the Task and Finish Group is established. Any Wycombe District Councillor who is not a Cabinet Member or Deputy Cabinet Member, regardless of whether a Member of the Improvement and Review Commission, can serve on a Task and Finish Group.

26. A Task and Finish Group review (including joint reviews with other authorities) may last up to 6 months. Frequency of meetings can be variable, with monthly as average. Meetings usually take place in early evening, but occasionally during office hours at the discretion of the Task and Finish Group Chairman.
27. Whether a Task and Finish Group is to be politically balanced or politically representative is to be established by the Commission at the setting up of the Group.
28. The Commission may only have four Task and Finish Groups currently meeting and working at any one time.
29. In relation to scrutiny of a crime and disorder function, additional Members may be co-opted if they are an employee, Officer or Member of a responsible authority, or co-operating person or body. The co-opted person shall only be entitled to vote if the Commission so permit this.
30. No member or deputy member of the Cabinet may sit on the Improvement and Review Commission, its sub-committees, working groups or Task and Finish Groups.

### **Call-In Process for Executive Functions**

#### **General**

31. With the exception of decisions that are taken under the urgent action procedure, or where a delay would prejudice the Council's interests, no decision of the Cabinet, a Cabinet Member or a key decision of an Officer under the approved scheme of delegation shall be implemented before the expiry of 5 working days from the date of publication of that decision.
32. A request for call-in of a decision that has not yet been implemented will only be permitted if:-
  - (i) the decision is not taken under the urgent action procedure;
  - (ii) delay will not prejudice the interests of the Council; and
  - (iii) the request is made by one or more members of the Improvement and Review Commission within 5 working days of the publication of the decision and confirmed within 10 working days thereof, and at least 3 of the following criteria are satisfied:-
    - (a) The decision is outside agreed policy or budgets.
    - (b) It proposes expenditure in excess of £250,000.
    - (c) It affects at least one quarter of the wards of the District.
    - (d) The request is made by at least 5 members of the Improvement and Review Commission, excluding the Chairman but including members of at least two political groups.
    - (e) In the event that the decision affects less than one quarter of the wards, the decision is not supported by at least 1 Local Member (2 in a 3 Member ward).
    - (f) The consent of the Chairman of the Improvement and Review Commission has been obtained.
    - (g) There has been insufficient opportunity for Members to input into the decision.



33. A decision takes effect after 5pm on the fifth working day, after publication if it has not been called in.
34. With regard to Officer decisions, only decisions set out in the Schedule to this Protocol may be called in.
35. Once any proposed Cabinet or Cabinet Member decision is published, any Member, including members of the Improvement and Review Commission, can ask to see the papers to be considered and take preliminary advice from Officers about the implications.
36. Within 5 working days of the publication of the proposal, an Improvement and Review Commission Member must notify the Head of Democratic, Legal and Policy Services if he or she intends to request the Committee to examine the proposal, and if so, whether any Cabinet member (or other member if paragraph 14 (iii) above applies) or Officer will be required to attend the meeting.
37. The Improvement and Review Commission will consider the request for call-in at its next scheduled meeting, or if the Chairman thinks fit or a quarter of the members of the Commission so request at a special meeting called for the purpose. The Commission Chairman to have the final discretion as to the date of any special meeting.
38. At the Commission Meeting to which the request for 'Call-in' is considered, the 'mover' and a 'seconder' of the 'call-in' will have the opportunity to address the Commission on why the call-in has been submitted (prior to the Commission deciding if the call-in should be debated).
39. If, following discussion, the Improvement and Review Commission agrees that the matter should be called in it may agree its response to the Cabinet at that meeting. If the Improvement and Review Commission requires further investigation or information, the Cabinet or Cabinet Member may agree to extend the time in which a final view may be expressed.
40. If the Improvement and Review Commission does not propose that the decision should be reversed, amended, further investigated or referred up to the full Council at the first meeting to consider the call-in, the original decision will take effect at the end of that Improvement and Review Commission meeting or the expiry of five working days from the date on which the decision was originally taken, whichever is the later.
41. Upon receipt of the response from the Improvement and Review Commission (unless the Commission has asked for the decision to be referred up to full Council) the Cabinet or Cabinet Member may decide to proceed with the original decision or an amended decision. He or she will then publish that decision in accordance with the protocol on decision-making. Alternatively, before making a decision, the Cabinet (or Cabinet Member with the Leader's permission) may refer the matter to full Council for the Council's views to be sought before the decision is taken.
42. Unless the Cabinet or Cabinet Member agrees, the implementation of any decision may not be delayed for longer than 1 month.

### **Points to Consider when deciding whether to Call-In a Decision**

43. Call-in should be a matter of exception. The Improvement and Review Commission should consider whether any of the following points are appropriate in deciding whether to proceed with a call-in:-
  - (i) If the decision specifically affects a particular ward(s) the Chairman shall consult the local member(s).

- (ii) Any representations made, whether by members of the Improvement and Review Commission, or other Members of the Council or members of the public, should be considered.
  - (iii) The need to take such practical, technical, financial, legal and propriety advice as the Commission considers necessary to clarify any matters or doubts, including consultation with the relevant Cabinet Member or Officers as appropriate.
  - (iv) The need to ascertain whether any other all-party or Improvement and Review Commission examination has already been given to the issue.
  - (v) The decision is outside the agreed policy or budget framework (including relevant provisions in Financial Regulations).
44. Unless point 43(v) above applies (the advice of the Monitoring Officer being final), the Commission will then consider the following “protocol questions”:-
- (i) Is the decision likely to cause significant concern or distress to the local community or prejudice individuals?
  - (ii) Has more than one-third of the Improvement and Review Commission expressed the view that the call-in should proceed?
  - (iii) Is the issue one that has been considered or consulted upon, whether in an open meeting or otherwise?
  - (iv) Would delay significantly damage the interests of the Council?
  - (v) Have other significant representations been made but not considered before the decision was taken?
  - (vi) Are there significant representations against the decision from outside bodies?
  - (vii) Are any matters in paragraph 5 (i) (a) or (b) above relevant?
45. The more protocol questions with a “yes” answer, the more likely it will be that the call-in will proceed, but the matter will be decided by a majority vote as usual at committee meetings.
46. A proposal may only be called in once. If, however, the Cabinet or Cabinet Member substantially amends the original proposal in a way which the Improvement and Review Commission has not considered, nor could reasonably have foreseen, to the extent that in reality it is a different proposal, the Improvement and Review Commission has the right to call it in again.

### **Preview**

47. If any member of the Improvement and Review Commission identifies a matter likely to be considered by the Cabinet because of its sudden prominence but not already being dealt with (e.g. a natural disaster in the area or an announcement of a change of government policy) and the Commission Chairman agrees, he or she may give 5 working days’ written notice to the Head of Democratic, Legal and Policy Services to ask the Commission to give a view to assist Cabinet’s consideration of the issue. A similar procedure will apply to advance scrutiny of matters published in the Cabinet’s Forward Plan.
48. Having considered an issue, the Commission will submit a report to the Cabinet on it if it considers it to be appropriate.

## **Review**

49. 12 months or more from the date on which a decision is made, there will be a presumption that any review will only be carried out at the request of the Cabinet or a Cabinet Member or if it is within the Improvement and Review Commission's own programme of work.

## **Urgency Procedure**

50. Where the Cabinet needs to take a key decision which is not contained within the Cabinet Forward Plan of work, the Head of Democratic, Legal and Policy Services must notify the Improvement and Review Commission Chairman in writing at least five clear working days before the decision is intended to be taken.
51. Where such notice is given, the Chairman of the Improvement and Review Commission may call a meeting of the Commission or consult with the Commission Members to determine any response to be given to Cabinet prior to the decision being made.
52. Where compliance with paragraph 50 above is impractical because of urgency or a proposed decision is in the Cabinet Forward Plan of work but has become urgent due to unforeseen circumstances, then the Cabinet, individual Member or officer intending taking the decision will obtain the agreement in writing of the Chairman of the Improvement and Review Commission (or if he or she is unable or unwilling to act, the Chairman or Vice-Chairman of the Council) that the decision is urgent and that the decision cannot reasonably be deferred.
53. In all such cases, a report will be made to the full Council on the decision taken, the reasons for it and why the decision was urgent (See Protocol for Decision Making).

## **Preparation and Publication of Reports**

54. When the Improvement and Review Commission completes its consideration of any matter, it will decide whether to make any recommendation to the Cabinet or to the Council or to publish a report on the matter. Interim reports may be made as required.  
The Improvement and Review Commission may authorise any of its Task and Finish Groups to report directly to Cabinet if it considers it appropriate to do so.
55. Under section 21B of the Local Government Act 2000, save in respect of excluded matters, where the Commission makes a report or recommendation to the Council or the Cabinet, the Commission will require the Council or the Cabinet (as the case may be) within two months:-
  - (i) to consider the report or recommendations.
  - (ii) to respond indicating what, if any, action is proposed to be taken.
  - (iii) (if the Commission has published the report) to publish the response.If the Commission provided a copy of the report to a Member under paragraph 5 (ii) above, it shall provide him/her with a copy of the response.
56. In publishing or providing a document, the Commission must exclude confidential information as defined by s.100A(3) of the Local Government Act 1972 and may exclude any relevant exempt information as defined by s.21D of the Local Government Act 2000. This information may be excluded from the copy provided to a member of the local authority under paragraph 5(iii).

57. Where the Commission makes a report or recommendation in relation to a crime and disorder matter:-
- (i) under s.19(1) of the Police and Justice Act 2006 (scrutiny of crime & disorder functions), it must provide a copy to all responsible bodies and co-operating persons and bodies;
  - (ii) under s.19(3) of the Police and Justice Act 2006 (local crime and disorder matters), it shall provide a copy to any responsible body or co-operating person or body as it considers appropriate.
58. Where the Commission makes a report and recommendation to a responsible authority or co-operating person or body in accordance with paragraph 57(ii), it shall notify the body to whom the report is made to consider the report, respond in writing within 28 days and to have regard to the report in exercising its functions.
59. Copies of final reports and recommendations on Cabinet or individual Cabinet Member items called in, previewed or reviewed must go to the Cabinet. Where appropriate, the report may recommend that the matter should be debated at Council. The Head of Democratic, Legal and Policy Services will submit the report to the Council or Cabinet for consideration within one month or at the next scheduled meeting, whichever is most appropriate.
60. The agenda for Cabinet meetings shall include an item "References from the Improvement and Review Commission" when reports will be presented by the Improvement and Review Commission Chairman or in his/her absence, the Vice Chairman.
61. Where the Improvement and Review Commission prepares a report for consideration by the Cabinet in relation to a matter where an individual Cabinet Member has delegated authority to make the decision, then the Improvement and Review Commission will also submit a copy of its report to him/her for consideration, and at the same time send a copy to the Head of Democratic, Legal and Policy Services. The Cabinet Member must consider the report and respond in writing to the Improvement and Review Commission within one month of receiving it. A copy of the response shall at the same time be sent to the Head of Democratic, Legal and Policy Services.

## **SCHEDULE**

### **Definition of an Officer Decision which may be called in**

An officer decision may only be called in if:

- (i) It involves expenditure in excess of £250,000 and/or
- (ii) The decision is outside agreed policies or budgets and/or
- (iii) It involves the acquisition or disposal of land or any interest therein in excess of £1,000,000 and/or
- (iv) It is of such significance to all or part of the area that it should be treated as a key decision.

An officer decision may not be called in if:

- (i) It is in the nature of day to day management activities and/or
- (ii) It is in respect of a non-Executive function, e.g. licensing or regulatory matters, development control matters, or matters falling within the purview of the Standards Committee or the statutory roles of the Monitoring Officer or the Chief Financial Officer and/or
- (iii) Delay might be prejudicial to the interests of the Council.
- (iv) It involves contracts for, and expenditure on repairs, maintenance or improvement works within budget provision and approved policy where the contract or expenditure has been properly and specifically approved by or on behalf of the executive, or by an officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

## G FINANCIAL REGULATIONS

### Glossary

3G

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## **GLOSSARY**

|        |  |
|--------|--|
| CIPFA  | Chartered Institute of Public Finance and Accountancy  |
| CSO    | Contract Standing Orders                               |
| EU     | European Union   |
| HoS    | Head of Service  |
| IFRS   | International Financial Reporting Standards            |
| JCT    | Joint Contracts Tribunal                               |
| LASAAC | Local Authority (Scotland) Accounts Advisory Committee |
| SORP   | Statement of Recommended Practice                      |
| UK     | United Kingdom   |
| VAT    | Value Added Tax  |

## **1.0 FINANCIAL REGULATIONS**

### **1.1 Introduction**

#### Status and Review of Financial Regulations

All Staff and members have a duty to abide by the highest standards of probity in dealing with financial issues. This is facilitated 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.

The Financial Regulations identify the principal financial responsibilities of the full Council and its Committees, the Cabinet and Improvement and Review Commission, the Chief Executive, the Monitoring Officer, the Head of Finance and Commercial, Director and HoS to whom duties are delegated.

The Head of Finance and Commercial is responsible for ensuring the proper administration of the financial affairs of the authority through maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary via Regulatory and Appeals Committee to the full Council for approval.

The Head of Finance and Commercial is responsible for issuing financial directives, practice-notes and advice as needed to underpin the Financial Regulations while advising on the key strategic controls necessary to secure sound financial management. The Head of Finance and Commercial will monitor compliance with Financial Regulations and act as head of profession in relation to the standards, performance and development of finance staff throughout the authority.

Director and HoS are responsible for ensuring that their staff are sufficiently aware of, and comply with, the Council's Financial Regulations and any financial directives and guidance issued.



## **2.0 FINANCIAL SYSTEMS AND PROCEDURES**

### **2.1 GENERAL**

#### **2.1.1 Why is this important?**

- (a) Departments have many systems and procedures relating to the control of the authority's assets, including purchasing, costing and management systems. Departments are increasingly reliant on computers for their financial management information. The information must therefore be accurate and the systems and procedures sound and well administered. They should contain controls to ensure that transactions are properly processed and errors detected promptly.
- (b) The Head of Finance and Commercial has a professional responsibility to ensure that the authority's financial systems are sound and should therefore be notified of any new developments or changes.

#### **2.1.2 Key controls**

- (a) The key controls for systems and procedures are:
  - i) basic data exists to enable the authority's objectives, targets, budgets and plans to be formulated
  - ii) performance is communicated to the appropriate managers on an accurate, complete and timely basis
  - iii) early warning is provided of deviations from target, plans and budgets that require management attention
  - iv) operating systems and procedures are secure.

#### **2.1.3 Responsibilities of the Head of Finance and Commercial**

- (a) To make arrangements for the proper administration of the authority's financial affairs, including to:

- i) issue advice, guidance and procedures for officers and others acting on the authority's behalf
- ii) determine the accounting systems, form of accounts and supporting financial records
- iii) establish arrangements for audit of the authority's financial affairs
- iv) approve any new financial systems to be introduced
- v) approve any changes to be made to existing financial systems.
- vi) To ensure that records, both manual and electronic, are retained in line with departmental policy and legal requirements.~~record retention conforms to legal requirements~~

#### **2.1.4 Responsibilities of Director and HoS**

- (a) To ensure that accounting records are properly maintained and held securely.
- (b) To ensure that vouchers and documents with financial implications are not destroyed, except in accordance with arrangements approved by the Head of Finance and Commercial.
- (c) To ensure that a complete management trail, allowing financial transactions to be traced from the accounting records to the original document, and vice versa, is maintained.
- (d) To incorporate and document appropriate controls to ensure that, where relevant:
  - i) all input is genuine, complete, accurate, timely and not previously processed
  - ii) all processing is carried out in an accurate, complete and timely manner
  - iii) output from the system is complete, accurate and timely.
- (e) To ensure that the organisational structure provides an appropriate segregation of duties to provide

adequate internal controls and to minimise the risk of fraud or other malpractice.

- (f) To ensure there is a documented and tested disaster recovery plan to allow information system processing to resume quickly in the event of an interruption.
- (g) To ensure that systems are documented and staff trained in operations.
- (h) To consult with the Head of Finance and Commercial before changing any existing system or introducing new systems.
- (i) To establish a scheme of delegation identifying officers authorised to act upon the Director and HoS behalf in respect of payments, income collection and placing orders, including variations, and showing the limits of their authority.
- (j) To supply lists of specimen signatures for authorised officers and ensure that they remain within the delegated limits. These should be submitted to the Head of Finance and Commercial, together with any subsequent variations. Authorised officers and limits are set by the Head of Finance and Commercial and additions to this list will only be accepted if an adequate business case is submitted.
- (k) To ensure that effective contingency arrangements, including back-up procedures, exist for computer systems. Wherever possible, back-up information should be securely retained in a fireproof location, preferably off site or at an alternative location within the building.
- (l) To ensure that, where appropriate, computer systems are registered in accordance with data protection legislation and that staff are aware of their responsibilities under the legislation.
- (m) To ensure that relevant standards and guidelines for computer systems exist and are followed.
- (n) To ensure that computer equipment and software are

protected from loss and damage through theft, vandalism, etc.

- (o) To comply with the copyright, designs and patents legislation and, in particular, to ensure that:
  - i) only software legally acquired and installed by the authority is used on its computers
  - ii) staff are aware of legislative provisions
  - iii) in developing systems, due regard is given to the issue of intellectual property rights.

## **2.2 INCOME & EXPENDITURE**

### **2.2.1 Why is this important?**

- (a) Income can be a vulnerable asset and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly. It is preferable to obtain income in advance of supplying goods or services as this improves the authority's cash-flow and also avoids the time and cost of administering debts.
- (b) Where income is to be collected after supplying the goods or services, the relevant service is responsible for ensuring a VAT invoice is raised promptly identifying the customer, amount due, services / goods supplied and the correct budget code for the income to be posted to.

### **2.2.2 Key controls**

- (a) The key controls for income are:
  - i) all income due to the authority is identified and charged correctly, in accordance with an approved charging policy, which is regularly reviewed (at least annually) and approved by the relevant Cabinet Member(s).
  - ii) all income is collected from the correct person, promptly, following correct procedures and using appropriate stationery

- iii) all money received by an employee on behalf of the authority is paid without delay to the Head of Finance and Commercial or, as he or she directs, to the authority's bank and properly recorded. The responsibility for cash collection should be separated from that:
- for identifying the amount due
  - for reconciling the amount due to the amount received
  - effective action is taken to pursue non-payment within defined time-scales
  - formal approval for debt write-off is obtained
  - appropriate write-off action is taken within defined time-scales
  - appropriate accounting adjustments are made following write-off action
  - all appropriate income documents are retained and stored for the defined period in accordance with the document retention schedule
  - money collected and deposited is reconciled to the bank account by a person who is not involved in the collection or banking process.
- iv) Regular monitoring and reporting of outstanding debts, including aged debt analysis on a monthly basis.

### **2.2.3 Responsibilities of the Head of Finance and Commercial**

- (a) To agree arrangements for the collection of all income due to the authority and to approve the procedures, systems and documentation for its collection
- (b) To issue guidance on making arrangements with customers who are unable to settle debts in full within the council's normal payment terms
- (c) to issue guidance on establishing appropriate credit

checks for provision of goods and services to both new and existing customers

- (d) To agree the write-off of bad debts up to the approved limit of £50,000 in each case and to refer sums over £50,000 to the Cabinet member/Cabinet (see Appendix 5), [except parking debts which can be approved by the Head of Environment](#).
- (e) To approve all debts to be written off in consultation with the relevant HoS and to keep a record of all sums written off.
- (f) To ensure that the systems operated across the Council follow best practice and deliver Value for Money.

#### **2.2.4 Responsibilities of [HR, ICT and Shared Support Services](#)**

- (a) To ensure the raising of invoices for goods and services is carried out promptly and done either in advance of the provision of goods and services or at the point of sale
- (b) To initiate first stage recovery action on all corporate debts [usually](#) within 28 days of the debt being raised and issue a final notice within a further 14 days if the debt remains unpaid. [Any variation to these terms must be approved by the Head of Finance and Commercial](#).
- (c) To produce, on at least a monthly basis, debt management reports to all service managers to enable prompt and appropriate recovery action to be taken
- (d) To provide a monthly Key Performance Indicator report on sundry debtor income and debt recovery including any proposed write offs, [and aged debt profile analysis and value of credit notes](#) to the Head of Finance and Commercial
- (e) To hold securely receipts, tickets and other records of income for the appropriate period

- (f) To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded
- (g) To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail. Money collected and deposited must be reconciled to the bank account on a regular basis
- (h) To ONLY issue a credit note in respect of a raised debt to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt. Any credit note instruction should be approved by an appropriate authorised signatory and accompanied with relevant supporting evidence, such instruction and evidence to be retained
- (i) To ONLY write off outstanding debt after proper authorisation from the Head of Finance and Commercial
- (j) To ensure that appropriate accounting adjustments are made following write-off action
- (k) To ensure sufficient training is available to staff involved in the debt process across the Authority and that this is kept under continuous review
- (l) To notify the Head of Finance and Commercial of outstanding income relating to the previous financial year as soon as possible after 31 March in line with the timetable determined by the Head of Finance and Commercial and not later than 30 April.

### **2.2.5 Responsibilities of Director and HoS**

- (a) To establish a charging policy for the supply of goods or services, including the appropriate charging of VAT, and to review it regularly, in line with corporate policies
- (b) To separate the responsibility for identifying amounts due and the responsibility for collection, as far as is

practicable

- (c) To have in place established ~~appropriate~~ procedures for validating the credit worthiness of existing and new customers in advance of delivering goods and services
- (d) To ensure the raising of invoices for goods and services is carried out promptly and done either in advance of the provision of goods and services or at the point of sale
- (e) To supply the Shared Support Services with details relating to work done, goods supplied, services rendered or other amounts due, to enable Shared Support Services to record correctly the sums due to the authority and to ensure invoices are sent out promptly
- (f) To only raise invoices for sums of £50 or more, unless for goods/services on an exception list pre-agreed with the Head of Finance and Commercial
- (g) To have in place ~~an establish and initiate~~ appropriate recovery procedures (once a debt has been unpaid for a period of 50 days from issue, where appropriate arrangements to repay the outstanding sum has not been reached), including legal action; withdrawal of services or imposing of financial penalties where necessary
- (h) To adhere to any guidance issued by the Head of Finance and Commercial when making any arrangement with a customer who cannot repay the full debt within the Council's normal payment terms
- (i) To issue official receipts or to maintain other documentation for income collection
- (j) To ensure that at least two employees are present when post is opened so that money received by post is properly identified and recorded
- (k) To hold securely receipts, tickets and other records of income for the appropriate period
- (l) To pay in promptly or secure all cash and cheques to



safeguard against loss or theft, and to ensure the security of cash handling

- (m) To ensure that income is paid fully and promptly into the appropriate authority bank account in the form in which it is received. Appropriate details should be recorded on to paying-in slips to provide an audit trail.
- (n) To ONLY issue a credit note in respect of a raised debt to correct a factual inaccuracy or administrative error in the calculation and/or billing of the original debt. Any credit note instruction should be approved by an appropriate authorised signatory and accompanied with relevant supporting evidence before submission to Shared Support Services for retention.
- (o) To recommend to the Head of Finance and Commercial all debts to be written off and to keep a record of all sums written off up to the approved limit. Once raised, no bona fide debt may be cancelled, except by full payment or by its formal writing off.

## 2.3 EXPENDITURE - ORDER AND NON-ORDER RELATED

### 2.3.1 Why is this important?

- (a) Public money should be spent with demonstrable probity and in accordance with the authority's policies. Authorities have a statutory duty to achieve best value in part through economy and efficiency. The authority's procedures should help to ensure that services obtain value for money from their purchasing arrangements and that non-order related payments are processed efficiently. These procedures should be read in conjunction with the authority's Contract Standing Orders and Procurement Code of Practice.
- (b) The Council incurs expenditure in one of [fourthree](#) ways:
  - i) [for goods and services over £500.00](#), through the raising of a purchase order, receipting of goods, services or works and payment of supplier invoice;

- ii) for goods and services under £500.00 without raising a purchase order. Payment to be made against supplier invoice which has been certified as due for payment, and authorised for payment by the budget holder;
- iii) by generating an internal payment request (non-order related) to pay an external party sums due which do not relate to the provision of goods, services or works;
- iv) through the use of an approved Procurement Card scheme.

### 2.3.2 Key Controls

The key controls for all expenditure incurred are:

- (a) all payments are made to the correct person, for the correct amount and are properly recorded, regardless of the payment method
- (b) all appropriate evidence of the transaction and payment documents are retained and stored for the defined period, in accordance with the document retention schedule
- (c) all expenditure, including VAT, is accurately recorded against the right budget and any exceptions are corrected
- (d) in addition, the effect of e-business/e-commerce and electronic purchasing requires that processes are in place to maintain the security and integrity of data for transacting business electronically.
- (e) all expenditure on the E Financials system is reconciled to the Council's bank account on a regular basis. Reconciliation is carried out by an officer independent from the Payments function.
- (f) a Purchase order is raised for all goods and services with a value over £500.00 procured by the council. A purchase order serves a number of purposes
  - (i) ~~confirms the Council's acceptance of a quote~~

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~~(where obtained) for goods/services~~

- (ii) to create a legal commitment between the Council and a supplier (for some goods and services a legal commitment may already have been formalised by the award of a formal contract by the legal team)it acts as the payment mechanism for all goods and services
- (iii) it initiates the payment process for all goods and services facilitates commitment and accrual accounting entries.

(g) Purchases of goods, services and works with a value under £500.00 may be made without raising a purchase order. All purchases of this nature must be entered onto E Financials system against a correctly submitted supplier invoice that has been certified as due for payment and authorised for payment by the budget holder.

### 2.3.3 Order Related Expenditure

- (a) The authority has a procurement function, which provides support on purchasing processes to ensure that services and goods are contracted for in the most appropriate way given the levels of expenditure and risk. This includes support in areas such as contracts and tendering, implementation of e-procurement processes (on-line purchasing, purchasing cards, e tendering), and ensuring a consistency in approach across the authority in accordance with Contract Standing Orders and these Financial Regulations.
- (b) It is mandatory for every purchase over £500 to have an official order which must be in a form approved by the Head of Finance and Commercial. The officer requesting the order should have a clear view of the purpose of the order they are raising, to enable payment, or to create a legal commitment with the supplier and to enable payment. Orders can be placed direct but must be entered in the E Financials system in sufficient detail to identify what is being ordered and to include an estimate (commitment) of the cost of the order. These orders are signed electronically by the

authorised signatories. Official orders must be raised and approved prior to the ordering of all work, goods or services to be supplied to the authority, except for utility services, [purchases under £500](#), purchases made by procurement card or other exception specified by the Head of Finance and Commercial.

- (c) Each order must conform to the guidelines approved by the full Council on central purchasing and the standardisation of supplies and materials. Standard terms and conditions must not be varied without the prior approval of the Head of Finance and Commercial or District Solicitor.
- (d) Official orders must not be raised for any personal or private purchases, nor must personal or private use be made of authority contracts.

#### **2.3.4 Key controls**

- (a) The key controls for ordering and paying for work, goods and services are:
  - i) all goods and services are ordered only by appropriate persons and are correctly recorded and approved promptly by an appropriate officer as set out in the [Authorised Signatories list](#) determined by the Head of Finance and Commercial;
  - ii) all goods and services shall be ordered in accordance with the authority's Contract Standing Orders and all new suppliers must be approved by the council's Procurement Manager before being entered onto the E Financials system by the payments section;
  - iii) goods and services received are checked to ensure they are in accordance with the order. Goods should not be received by the person who authorised the order. A Goods Received Note (GRN) must be entered on E Financials to confirm the value or quantity of goods or services actually received;
  - iv) payments will not be made unless goods have been

received by the authority to the correct price, quantity and quality standards. The order owner must resolve any mismatches promptly to ensure payment terms are adhered to;

- v) where an order and GRN are in agreement then the cheque or BACS payment will be raised automatically. If there is any difference between the Order and GRN then payment will not be made automatically and the order owner will be required to make the necessary amendments, which may then require re-authorisation.

### 2.3.5 Non-Order Related Expenditure

- (a) It is mandatory for all non-order related expenditure to be submitted in a form approved by the Head of Finance and Commercial.
- (b) The request should be submitted to the Creditor payments team who will enter the request on E Financials. The appropriate budget holder is required to approve the payment [by way of manual signature](#). ~~The officer responsible for entering the payment request onto the E Financials system cannot also approve the transaction before payment is actually made.~~

### 2.3.6 Key Controls

The Key controls for non-order related expenditure are:

- (a) all payments are processed only by an authorised processing officer and are correctly recorded and approved by the appropriate officer;

### 2.3.7 Procurement Cards

- (a) The Council operates a Procurement Card scheme, whereby approved officers can be issued with a corporate credit card to enable them to make low value purchases, subject to certain financial limits.
- (b) Requests for Procurement cards must be made on the prescribed application form ~~HYPERLINK and, and~~ approved by the ~~relevant Head of Service and~~ Head of

Finance and Commercial.

- (c) Procurement cards cannot be used under any circumstances for personal use.

### **2.3.8 Key Controls**

- (a) All card holders are approved by the relevant HoS and Head of Finance and Commercial.
- (b) All cards have financial limits.
- (c) All expenditure is ~~centrally~~ reviewed on a monthly basis by line managers who ensure and reallocation of costs to the appropriate budget heading.

### **2.3.9 Responsibilities of the Head of Finance and Commercial**

- (a) To establish and maintain an appropriate Procurement Card scheme.
- (b) To determine which officers can be issued with a Procurement Card and appropriate financial limits.
- (c) Ensure expenditure is allocated each month to the correct budget codes.
- (d) Ensure that a periodic recharging process is in place.

### **2.3.10 Responsibilities of Director and Heads of Service**

- (a) To review arrangements for the procurement of goods and service, and ensure that requests for procurement cards are appropriate for the efficient delivery of services and suitable checks are in place.
- (b) To notify the Head of Finance and Commercial immediately if a procurement card has been lost or stolen or if a member of staff has left the Council's employment.
- (c) To periodically review the arrangements regarding the use of Procurement Cards in service areas.
- (d) To facilitate the efficient running of Council services, low value orders for simple goods, works and services, up to a value of £500 may be placed without entering the details on the E Financials purchase

order system. Officers must still comply with Contract Standing Orders with respect to order authorisation and the number of quotations required.

### **2.3.11 Key Controls**

- (a) All payments are made against a correctly submitted supplier invoice.
- (b) all details relating to price and quantity are to be checked by the ordering officer and certified as correct before payment is requested.
- (c) the budget holder must sign to approve payment.
- (d) all invoices are to be entered onto E Financials system and recorded in the same way as payments made against purchase orders.

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### **2.3.12 Responsibilities of the Head of Finance and Commercial**

- (a) To make payments from the authority's funds on the Director' and HoS authorisation that the expenditure has been duly incurred in accordance with financial regulations.
- (b) To make payments, whether or not provision exists within the estimates, where the payment is specifically required by statute or is made under a court order.
- (c) To make payments to contractors on the certificate of the appropriate HoS/CM, which must include details of the value of work, retention money, amounts previously certified and amounts now certified.
- (d) To ensure that a budgetary control system is established that enables commitments incurred by placing orders to be shown against the appropriate budget allocation so that they can be taken into account in budget monitoring reports.
- (e) To establish a list of authorised signatories and limits and to maintain an up-to-date list of such authorised staff, including specimen signatures identifying in each case the limits of their authority.

### 2.3.13 Responsibilities of Director and HoS

- (a) To ensure that the official computerised order system is used for all goods and services over £500.00, other than the exceptions specified in 5.3.3(b) and are certified by the correct level of officer in accordance with the table at appendix 4.
- (b) To ensure that where Orders are used they are only used for goods and services provided to the Council. Individuals must not use official orders to obtain goods or services for their private use.
- (c) To ensure that only those staff authorised by the Head of Finance and Commercial approve Orders. The authoriser should be satisfied that the goods and services ordered are appropriate and needed, that there is adequate budgetary provision and that quotations or tenders have been obtained if necessary. Best value principles should underpin the authority's approach to procurement. Value for money should always be achieved.
- (d) To ensure that goods and services are checked on receipt to verify that they are in accordance with the order. This check should, where possible, be carried out by a different officer from the person who authorised the requisition/order. Appropriate entries must then be made in E Financials to record the goods received and then be recorded in inventories or stores records, where applicable.
- (e) The payment will not be made unless a proper VAT invoice has been received, checked, coded and certified for payment, confirming:
  - i) receipt of goods or services
  - ii) that the invoice has not previously been paid
  - iii) that expenditure has been properly incurred and is within budget provision
  - iv) that prices and arithmetic are correct and accord with quotations, tenders, contracts or catalogue prices



- v) correct accounting treatment of tax
  - vi) that the order / invoice is correctly coded
  - vii) that discounts have been taken where available
  - viii) that appropriate entries will be made in accounting records.
- (f) To ensure that two authorised members of staff are involved in the ordering, receiving and payment process. If possible, the officer ordering the goods, services or works should be a different officer from the person authorising the purchase.
- (g) To ensure that payments are not made on a photocopied or faxed invoice, statement or other document other than the formal invoice. Any instances of these being rendered should be reported to the Head of Finance and Commercial.
- (h) To utilise the procurement procedures established by the Head of Finance and Commercial in putting purchases, where appropriate, out to competitive quotation or tender in accordance with Contract Standing Orders.
- (i) With regard to contracts for construction and alterations to buildings and for civil engineering works, to document and agree with the Head of Finance and Commercial the systems and procedures to be adopted in relation to financial aspects, including certification of interim and final payments, checking, recording and authorising payments, the system for monitoring and controlling capital schemes and the procedures for validation of subcontractors' tax status.
- (j) To notify the Head of Finance and Commercial immediately of any expenditure to be incurred as a result of statute/court order where there is no budgetary provision.
- (k) To ensure that all appropriate payment records are retained and stored for the defined period, in accordance with the document retention schedule.

## 2.4 PAYMENTS TO EMPLOYEES AND MEMBERS

### 2.4.1 Why is this important?

- (a) Staff costs are the largest item of expenditure for most authority services. It is therefore important that payments are accurate, timely, made only where they are due for services to the authority and that payments accord with individuals' conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the full Council.

### 2.4.2 Key controls

- (a) The key controls for payments to employees and members are:
- i) proper authorisation takes place and that sound payment procedures are in place and that there is adherence to corporate timetables in relation to:
    - Starters
    - Leavers
    - Variations
    - [Enhancements](#)
  - ii) for the payment of mileage and overtime claims proper authorisation takes place, based on the approved signatory list
  - iii) payments will be made only after the receipt of correctly authorised timesheets or claims [on the approved system](#).
  - iv) monthly reconciliation of payroll expenditure against approved budget and bank account
  - v) all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule
  - vi) that HMRC regulations are complied with

### 2.4.3 Responsibilities of the Head of ~~Finance and~~

## **Commercial HR, ICT and Shared Support Services**

- (a) to arrange and control secure and reliable payment of salaries, wages, compensation or other emoluments to existing and former employees, in accordance with procedures prescribed by him or her, on the due date
- (b) to ensure that there are adequate arrangements for administering superannuation matters on a day-to-day basis.

### **2.4.4 Responsibilities of Shared Support Services**

- (c) To record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions.
- (d) To make arrangements for payment of all travel and subsistence claims or financial loss allowance.
- (e) To make arrangements for paying members travel or other allowances upon receiving the prescribed form, duly completed and authorised.
- (f) To provide advice and encouragement to secure payment of salaries and wages by the most economical means.
- (g) To ensure that all appropriate payroll documents are retained and stored for the defined period in accordance with the document retention schedule

### **2.4.4 Responsibilities of Director and HoS**

- (a) To ensure appointments are made in accordance with the regulations of the authority and approved establishments, grades and scale of pay and that adequate budget provision is available
- (b) To notify Shared Support Services of all appointments, terminations or variations which may affect the pay or pension of an employee or former employee, in the form and to the time-scale required by Shared Support Services.
- (c) To ensure that adequate and effective systems and procedures are operated, so that:

- i) payments are only authorised to bona fide employees
  - ii) payments are only made where there is a valid entitlement
  - iii) conditions and contracts of employment are correctly applied
  - iv) employees' names listed on the payroll are checked at regular intervals to verify accuracy and completeness.
- (d) To send an up-to-date list of the names of officers authorised to sign records to the Head of Finance and Commercial, together with specimen signatures. The payroll provider should have signatures of personnel officers and officers authorised to sign timesheets and claims.
- (e) To ensure that payroll transactions are processed only through the payroll system. [The](#) Director and HoS should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. The HMRC applies a tight definition for employee status, and in cases of doubt, advice should be sought from [the Head of HR, ICT and Shared Support Services](#).
- (f) To certify travel and subsistence claims and other allowances. Certification is taken to mean that journeys were authorised and expenses properly and necessarily incurred, and that allowances are properly payable by the authority, ensuring that cost-effective use of travel arrangements is achieved. Due consideration should be given to tax implications and that Shared Support Services is informed where appropriate. [Only claims which are submitted within 6 months of the expenditure being incurred should be approved.](#)
- (g) To ensure that Shared Support Services is notified of the details of any employee benefits in kind, to enable full and complete reporting within the income tax self-assessment system.

## 2.4.6 Responsibilities of Members

To submit claims for [Members'](#) travel and subsistence allowances on a monthly basis and, in any event, within one month of the year-end.

### **3.0 BUDGETING**

#### **3.1 FORMAT OF THE BUDGET**

##### **3.1.1 Why is this important?**

- (a) The format of the budget determines the level of detail to which financial control and management will be exercised. The format shapes how the rules around virement operate, the operation of cash limits and sets the level at which funds may be reallocated within budgets.

##### **3.1.2 Key controls**

- (a) The key controls for the budget format are:
  - i) the format complies with all legal requirements
  - ii) the format complies with CIPFA's **Best Value Accounting Sercop** – Code of Practice
  - iii) the format reflects the accountabilities of service delivery.

##### **3.1.3 Responsibilities of the Head of Finance and Commercial**

- (a) To advise the Cabinet Member for Finance **and Resources** on the format of the budget that is to be approved by the full Council.
- (b) To report to Cabinet and/or Council on the robustness of the estimates.

##### **3.1.4 Responsibilities of Director and HoS**

- (a) To comply with accounting guidance provided by the Head of Finance and Commercial.

## **3.2 REVENUE BUDGET PREPARATION, MONITORING AND CONTROL**

### **3.2.1 Why is this important?**

- (a) Budget management ensures that once the budget has been approved by the full Council, resources allocated are used for their intended purposes and are properly accounted for. Budgetary control is a continuous process, enabling the authority to review and adjust its budget targets during the financial year. It also provides the mechanism that calls to account managers responsible for defined elements of the budget
- (b) By continuously identifying and explaining variances against budgetary targets, the authority can identify changes in trends and resource requirements at the earliest opportunity
- (c) For the purposes of budgetary control by managers, a budget will normally be the planned income and expenditure for a service area or cost centre. However, budgetary control may take place at a more detailed level if this is required by the Director and HoS scheme of delegation.

### **3.2.2 Key controls**

- (a) The key controls for managing and controlling the revenue budget are:
  - i) budget managers should be responsible only for income and expenditure that they can influence
  - ii) there is a nominated budget manager for each cost centre heading
  - iii) budget managers accept accountability for their budgets and the level of service to be delivered and understand their financial responsibilities
  - iv) budget managers routinely review their budgets to confirm the validity of entries made against budget headings

- v) budget managers review and revise budget profiles as necessary to ensure an accurate financial position is reported against their areas of budget responsibility and reasons for significant variations are notified to the Head of Finance and Commercial in a timely manner
- vi) Budget managers are required to produce monthly budget forecasts
- vii) budget managers follow an approved certification process for all expenditure
- viii) budget managers follow the approved scheme of budget virement
- ix) income and expenditure are properly recorded and accounted for
- x) performance levels/levels of service are monitored in conjunction with the budget and necessary action is taken to align service outputs and budget.

### **3.2.3 Responsibilities of the Head of Finance and Commercial**

- (a) To establish an appropriate framework of budgetary management and control that ensures that:
  - i) budget management is exercised within annual cash limits unless the full Council agrees otherwise
  - ii) the Director and Head of Service has available timely information on receipts and payments on each budget which is sufficiently detailed to enable managers to fulfil their budgetary responsibilities
  - iii) each cost centre has a single named manager, determined by the relevant Corporate Director and Head of Service. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making processes

that commits expenditure

- (b) To report to Cabinet and/or Council if there has been deterioration in the financial position of the Council
- (c) To report all significant overspendings and underspending on service estimates to the following management levels:-
  - All Variances ~~over £1,000~~ to HoS and budget holders
  - Variances of more than £20,000 - as above plus report to Strategic Management Board and Cabinet.
- (d) To prepare and submit monitoring reports on the authority's projected income and expenditure compared with the budget to the Strategic Management Board (Monthly) and Cabinet (Quarterly).

#### ~~3.2.4 Responsibilities of Shared Support Services~~

- (e) To administer the authority's scheme of virement

#### **3.2.4 Responsibilities of Director and HoS**

- (a) To maintain budgetary control within their departments, in adherence to the principles in 6.2.2, and to ensure that all items of income and expenditure are properly recorded and accounted for
- (b) To ensure that an accountable budget manager is identified for each item of income and expenditure under the control of the Director and HoS. As a general principle, budget responsibility should be aligned as closely as possible to the decision-making that commits expenditure
- (c) To ensure expenditure is committed only against an approved budget head
- (d) to ensure all officers responsible for committing expenditure comply with relevant guidance, and the financial regulations
- (e) To ensure that spending remains within the relevant revenue budget (including any business unit) by monitoring the budget and taking appropriate



corrective action where significant variations from the approved budget are forecast

- (f) To ensure significant variances from approved budgets are investigated and reported by budget managers regularly
- (g) To provide a monthly update on all areas of their budget responsibility, including a projection of likely spend to year end
- (h) To ensure that a monitoring process is in place to review performance levels/levels of service in conjunction with the budget and is operating effectively
- (i) To implement agreed actions and follow directions issued by the Head of Finance and Commercial in order to secure a sustainable position.
- (j) To ensure prior approval by the full Council or Cabinet (as appropriate) for new proposals, of whatever amount, that:
  - i) create financial commitments in future years
  - ii) change existing policies, initiate new policies or cease existing policies
  - iii) materially extend or reduce the authority's services
  - iv) to ensure compliance with the scheme of virement
  - v) to agree with the Director and HoS where it appears that a budget proposal, including a virement proposal, may impact materially on another service area.

### **3.3 BUDGETS AND MEDIUM-TERM PLANNING**

#### **3.3.1 Why is this important?**

- (a) The authority is a complex organisation responsible for delivering a wide variety of services. It needs to plan effectively and to develop systems to enable scarce resources to be allocated in accordance with

carefully weighed priorities. The budget is the financial expression of the authority's plans and policies.

- (b) The revenue budget must be constructed so as to ensure that resource allocation properly reflects the service plans and priorities of the full Council. Budgets (spending plans) are needed so that the authority can plan, authorise, monitor and control the way money is allocated and spent. It is illegal for an authority to budget for a deficit.
- (c) Medium-term planning (over ~~four~~ six years) involves a planning cycle where managers can develop their own plans. As each year passes, another future year will be added to the medium-term plan. This ensures that the authority is always preparing for events in advance.

### **3.3.2 Key controls**

- (a) The key controls for budgets and medium-term planning are:
  - i) specific budget approval for all expenditure
  - ii) budget managers prepare the budgets for which they will be held responsible and accept accountability within delegations set by the Cabinet for their budgets and the level of service to be delivered
  - iii) a monitoring process is in place to review regularly the effectiveness and operation of budget preparation and to ensure that any corrective action is taken.

### **3.3.3 Responsibilities of the Head of Finance and Commercial**

- (a) To prepare and submit reports on budget prospects for the Cabinet, including resource constraints set by the Government. Reports will take account of medium-term prospects over the next six years.
- (b) to determine the detailed form of revenue estimates

and the methods for their preparation, consistent with the budget approved by the full Council, and after consultation with the Cabinet and Director and HoS.

- (c) To prepare and submit reports to the Cabinet on the aggregate spending plans of departments and on the resources available to fund them, identifying, where appropriate, the implications for the level of Council tax to be levied.
- (d) To advise on the medium-term implications of spending decisions.
- (e) To encourage the best use of resources and value for money by working with Director and HoS to identify opportunities to improve economy, efficiency and effectiveness, and by encouraging good practice in conducting financial appraisals of development or savings options, and in developing financial aspects of service planning.
- (f) To advise the full Council on Cabinet proposals in accordance with his or her responsibilities under section 151 of the Local Government Act 1972.

#### **3.3.4 Responsibilities of Director and HoS**

- (a) To prepare estimates of income and expenditure, in consultation with the Head of Finance and Commercial, to be submitted to the Cabinet.
- (b) To prepare budgets that are consistent with any ~~business unit cash financial~~ limits, within the authority's annual budget cycle and in accordance with guidelines prescribed by the Head of Finance and Commercial in consultation with the Cabinet Member for Finance.
- (c) To integrate financial and budget plans into service planning, so that budget plans can be supported by financial and non-financial performance measures.
- (d) In consultation with the Head of Finance and Commercial and in accordance with the laid-down guidance and timetable, to prepare detailed draft revenue and capital budgets for consideration by

Cabinet.

- (e) When drawing up draft budget requirements, to have regard to:
  - i) spending patterns and pressures revealed through the budget monitoring process
  - ii) legal requirements
  - iii) policy requirements as defined by the full Council in the approved policy framework
  - iv) initiatives already under way.
- (f) A specific financial directive has been drawn up to cover the procedure for Revenue Budgets within this Council and this is shown at appendix 1 and 2.

### **3.4 RESOURCE ALLOCATION**

#### **3.4.1 Why is this important?**

- (a) A mismatch often exists between available resources and the required resources to deliver service levels demanded. When resources are not adequate it is imperative that any additional resources are carefully prioritised and are fairly allocated, in order to fulfil all legal responsibilities. Resources may include staff, money, equipment, goods and materials.
- (b) Additional resources are allocated following consideration of service pressure bids made by spending officers. The system of dealing with these bids is described in detail in Appendix [23](#).
- (c) In delivering the Medium Term Financial Plan, significant efficiencies in the way that the Council delivers its services will be required. To assist the Council's approach to transformation, a fund has been created to enable initiatives capable of a financial payback within three years to be funded.

#### **3.4.2 Key controls**

- (a) The key controls for resource allocation are:
  - i) resources are acquired in accordance with the

- law and using an approved authorisation process
- ii) resources are used only for the purpose intended, to achieve the approved policies and objectives, and are properly accounted for
  - iii) resources are securely held for use when required
  - iv) resources are used with the minimum level of waste, inefficiency or loss for other reasons.

### **3.4.3 Responsibilities of the Head of Finance and Commercial**

- (a) To advise on methods available for the funding of resources, such as grants from central government and borrowing requirements
- (b) To ensure that where grant is attracted the authority complies with the conditions attached to that grant, to satisfy external audit scrutiny.
- (c) To assist in the allocation of resources to budget managers.
- (d) To maintain and operate a Transformation Fund to enable future efficiency saving initiatives to be progressed and payback within 3 years.
- (e) To maintain and operate a Contingency Fund to meet unplanned and unforeseen liabilities to protect the Council or facilitate the efficient delivery of Council functions in consultation with the Cabinet Member for Finance.

### **3.4.4 Responsibilities of Director and HoS**

- (a) To advise the Head of Finance and Commercial when they become aware of grants/special funding for their service or for a particular project and to obtain these funds as appropriate.
- (b) To work within budget limits and to utilise resources allocated, and further allocate resources, in the most efficient, effective and economic way.
- (c) To identify opportunities to minimise or eliminate

resource requirements or consumption without having a detrimental effect on service delivery.

- (d) To prepare where required a detailed business case in support of additional resources needed to deliver a new service initiative or respond to an external change or pressure, as set out at Appendix 2.

### 3.5. MAJOR PROJECTS PROGRAMME (Incorporating Capital Expenditure)

#### 3.5.1 Why is this important?

- (a) Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the authority, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- (b) The Council will maintain a **Capital Strategy Medium Term Financial Plan** in order to provide a framework to prioritise capital funding needs and maximise the benefits of capital resources to the Council.
- (c) The Government places strict controls on the financing capacity of the authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.
- (d) The Council ~~must now~~ follows the Prudential Code of Capital Finance in Local Authorities, which requires local authorities to determine the affordability of borrowing decisions.
- (e) All service pressure bids for additional funding are subject to consultation and recommendation by the Strategic Management Board following the submission of a Mandate. Funds will only be released once a detailed business case has been prepared and approved by the relevant HoS, Cabinet Member and the Head of Finance and Commercial.

### 3.5.2 Key controls

- (a) The key controls for Major Projects Programme are:
- i) specific approval by the full Council for the programme of Major Projects
  - ii) ~~expenditure on Major Projects is subject to the approval of the Head of Finance and Commercial~~
  - ii) a scheme and estimate, including project plan, progress targets and associated revenue expenditure is prepared for each project as part of the detailed Business Case.
  - iii) the development and implementation of Asset Management Plans
  - iv) accountability for each proposal is accepted by a named manager
  - v) monitoring of progress in conjunction with expenditure and comparison with approved budget.
  - vi) Quarterly reports to Cabinet on the progress of the Major Projects Programme to include outline of progress to date, ~~percentage completion~~ and budget spend with an estimate of expenditure to completion for all projects.

### 3.5.3 Responsibilities of the Head of Finance and Commercial

- (a) To prepare the Major Projects Programme jointly with the Director and HoS and the Head of Paid Service and to report them to the Cabinet for approval. The Cabinet will make recommendations on the estimates and on any associated financing requirements to the full Council. Cabinet Member approval is required where Director and HoS propose to bid for or exercise additional expenditure not anticipated in the programme.
- (b) To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.

- (c) The definition of 'capital' will be determined by the Head of Finance and Commercial, having regard to government regulations and accounting requirements
- (d) To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the Major Projects Programme provision by more than 10%, or £50,000, whichever is greater.

#### **3.5.4 Responsibilities of Director and HoS**

- (a) To comply with guidance concerning Major Projects and controls issued by the Head of Finance and Commercial.
- (b) To ensure that all project proposals have undergone a project appraisal in accordance with guidance issued by the Head of Finance and Commercial.
- (c) To prepare regular reports reviewing the Major Projects Programme provisions for their services. They should also prepare a monthly return of estimated final costs of schemes included in the approved Major Projects programme for submission to the Head of Finance and Commercial.
- (d) To ensure that adequate records are maintained for all contracts.
- (e) To proceed with projects only when there is adequate provision in the Major Projects Programme and with the agreement of the Head of Finance and Commercial, where required.
- (f) The Head of Finance and Commercial may approve requests from other HoS to bring forward future year budget allocations of funding where it is deemed appropriate to do so. The Head of Finance and Commercial will ensure that sufficient overall funding exists across the programme as a whole and that any decision is consistent with the Council's overall Capital and Treasury Management Strategies.
- (g) Virements within the Major Projects Programme up to £100,000 can be approved by the responsible [Head of Services in consultation with the Head of Finance and Commercial, Virements between £10,001 and](#)



£100,000 can be approved by the relevant HoS in consultation with the Head of Finance and Commercial and the relevant Cabinet Member(s). ~~in consultation with the Head of Finance and Virements between £100,001 and £500,000 by Cabinet and those over £500,000 by Council. Commercial and the Cabinet Member for Finance.~~

- (h) To prepare and submit reports, jointly with the Head of Finance and Commercial, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than 10% or £50,000.
- (i) To ensure that credit arrangements, such as **finance** leases of land and equipment leasing arrangements, are not entered into without the prior approval of the Head of Finance and Commercial and the District Solicitor, and if applicable, approval of the scheme through the **capital Major Projects** programme.
- (j) A specific financial directive has been drawn up to cover the procedure for Capital Budgets within this Council and this is shown at appendix 1 and 3.

### **3.6 SCHEME OF VIREMENTS ~~–REVENUE~~**

#### **3.6.1 Why is this important?**

- (a) The scheme of virement (delegated power to reallocate financial resources between budgets without impacting on the Council's overall budget) is intended to enable the Cabinet, Director and HoS and their staff to manage budgets with a degree of flexibility within the overall policy framework determined by the full Council, and therefore to optimise the use of resources.
- (b) ~~The scheme of virements set out below applies to revenue budgets. The rules which apply to schemes in the Major Projects Programme are set out in section 6.5.4 (g).~~

#### **3.6.2 Key controls**

- (a) Key controls for the scheme of virement are:

- i) It is administered by the Head of Finance and Commercial within guidelines set by the full Council. Any variation from this scheme requires the approval of the full Council.
- ii) The overall budget is agreed by the Cabinet and approved by the full Council. Director and HoS and budget managers are therefore authorised to incur expenditure in accordance with the estimates that make up the budget. The rules below cover virement; that is, switching resources between approved estimates. For the purposes of this scheme, a budget head is considered to be a line in the approved estimates book. This Council has adopted the standard service subdivision as defined by the Chartered Institute of Public Finance & Accountancy (CIPFA) Service Expenditure Analysis
- iii) Virement does not create additional overall budget liability. Director and HoS are expected to exercise their discretion in managing their budgets responsibly and prudently. For example, they should aim to avoid supporting recurring expenditure from one-off sources of savings or additional income, or creating future commitments, including full-year effects of decisions made part way through a year, for which they have not identified future resources. Director and HoS must plan to fund such commitments from within their own budgets unless additional budget has been approved by the Head of Finance and Commercial.

### **3.6.3 Responsibilities of the Head of Finance and Commercial**

- (a) To prepare jointly with the relevant HoS a report to the Cabinet where virements in excess of £100,000 are proposed.

### **3.6.4 Responsibilities of Director and HoS**

- (a) HoS may exercise virement on budgets under his or her control and under the same cabinet member

responsibility for amounts up to £100,000 on any one budget head during the year, following consultation with the Head of Finance and Commercial. For amounts between £10,001 and £100,000 this must be in consultation with the relevant Cabinet Members.

Amounts greater than £100,000 require the approval of the Cabinet, following a joint report by the Head of Finance and Commercial and the HoS, which must specify the proposed expenditure, the source of funding, and must explain the implications in the current and future financial year. Amounts greater than £500,000 require the approval of the full Council.

### 3.6.5 Revenue Virement Levels

- (a) £0 - £100,000: HoS in consultation with the Head of Finance and Commercial. in consultation with the relevant Cabinet Members

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£10,001 - £100,000: HoS in consultation with the Head of Finance and Commercial in consultation with the relevant Cabinet Members

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£100,001 - £500,000: Cabinet

£500,000+: Council

- (b) Virement between any of the following funds is not, in normal circumstances, possible.
- i) General Fund
  - ii) Special Expenses
  - iii) West Wycombe Parish Special Precept
- (c) Virement that is likely to impact on the level of service activity of another Director or HoS should be implemented only after agreement with the relevant Director and HoS. A record of this decision should be retained.
- (d) No virement relating to a specific financial year can be made after 31 March in that year.

### **3.7 TREATMENT OF YEAR END BALANCES**

- (a) The authority's scheme of virement sets out the authority's treatment of year-end balances. Any variation from the scheme of virement requires the approval of the full Council.
- (b) For revenue budgets year end over/underspends will not normally be carried forward. However if, in the view of the Head of Finance and Commercial, a case can be made then he /she will seek relevant approval from cabinet (if under £100,000 or Council if over £100,000).
- (c) Underspends on un-completed Major Project schemes and rolling programmes will be carried forward to the following financial year. Once a scheme is completed any unspent moneys become available for use on other schemes.

### **3.8 SECTION 106 AGREEMENTS/ COMMUNITY INFRASTRUCTURE LEVY (CIL)**

#### **3.8.1 Why is it important?**

- (a) Where development gives rise to infrastructure requirements that are not being met on site, or directly by the developer, then the developer should meet the cost and the Council has mechanisms in place to secure direct improvements on sites by developers or to secure financial contributions towards a range of requirements.
- (b) The Community Infrastructure Levy (CIL) is a local tariff that enables the Council to set a charge on most types of development, with the money raised being available to fund a wide range of local and strategic infrastructure.
- (c) 5% of CIL can be used for administration of the levy. 15% (or 25% where an adopted neighbourhood plan is in place) is passed directly to the relevant Town/parish council. In unparished areas the District Council will retain the receipts and engage with local communities on how this allocation will be spent
- (d) It is important for the Council to demonstrate a clear

audit trail between securing these contributions and spending them.

### **3.8.2 Key Controls**

- (a) Section 106 agreements are legal agreements signed by the Council and the applicant or developer and anyone else with an interest in the land.
- (b) The authority to enter into a section 106 agreement is granted by Planning Committee.
- (c) The section 106 agreements specify the contributions to be paid and for what purpose they are to be used.
- (d) The justification and processes for securing the contributions is detailed in the Planning Obligations Supplementary Planning Document.
- (e) The agreements will have triggers for when the contributions should be paid to the Council. These triggers are monitored by Planning Officers and there are legal avenues for the Council if developers do not pay the contributions.
- (f) Contributions are held in an interest bearing account with each contribution having a separate code on the financial monitoring system. Planning also monitor all contributions on a database.
- (g) Planning issues a CIL liability notice outlining the likely charge when Planning Permission is issued
- (h) Planning issues a demand notice and invoice when the developer sends a commencement notice or the Council deems a development to have commenced
- (i) Planning co-ordinates a process of public consultation on spending programmes produced by the various internal and external services who receive developer contributions detailing how they are to be used. The spending programmes are presented to Cabinet annually for release of the funds.
- (j) Individual decisions can be taken but these mean that additional effort is needed to ensure appropriate

consultation has taken place. Authority for decisions to be taken in the round means transparency is reduced and hence it is to be avoided if possible.

- (k) Details of all s106/CIL agreements signed, contributions received and contributions spent are reported in the quarterly financial monitoring reports to Cabinet.

### **3.8.3 Responsibilities of the Head of Finance and Commercial**

- (a) To hold contributions and manage as part of the Council's overall investments.
- (b) To calculate indexation of contributions from the date of signing the agreement to the date of payment.
- (c) To calculate late payment interest payments when contributions are not paid at the correct time.
- (d) To release contributions on advice from HoS.

### **3.8.4 Responsibilities of Director and HoS**

- (a) To set the planning policy framework for securing developer contributions
- (b) To record details of all s106 agreements signed, contributions received and spent
- (c) To administer the CIL scheme and issue notices and invoices in accordance with agreed timescales
- (d) To ensure contributions are spent in line with the s106/CIL requirements
- (e) To provide details of all section 106 agreements signed, contributions received and contributions spent in the quarterly financial monitoring reports to Cabinet and to give due notice of any agreements that will expire if contributions are not spent or committed.

## **4.0 ACCOUNTING POLICIES AND REPORTING**

### **4.1.1 Why is this important?**

- (a) Maintaining proper accounting records is one of the ways in which the Council discharges its responsibilities for stewardship of public resources. The Council has a statutory responsibility in preparing its annual accounts to present fairly its operations during the year. These accounting records are subject to external audit. This audit provides assurance that the accounts are prepared properly, that approved accounting practices have been followed and that quality arrangements have been made for securing economy, efficiency and effectiveness in the use of the Council's resources.

The Head of Finance and Commercial is responsible for the preparation of the authority's statement of accounts, in accordance with proper practices as set out in the format required by the Code of Practice on Local Authority Accounting in the United Kingdom and International Financial Reporting Standards (IFRS) for each financial year ending 31 March.

#### **4.1.2 Key controls**

- (a) The key controls for accounting and reporting are:
- i) Application of accounting policies as laid down each year in the statement of Accounts are followed and applied consistently;
  - ii) Proper accounting records and reconciliations are maintained and accounts are prepared in accordance with proper practices as set out in the Code of Practice on Local Authority Accounting in the United Kingdom;
  - iii) Financial statements are prepared which present fairly the financial position of the authority and its expenditure and income;
  - iv) Accounting records are subject to external audit. This audit provides assurance that that the accounts are prepared properly and that arrangements have been made for securing economy, efficiency and effectiveness in the use of the authority's resources.

- v) That External Audit report upon the financial aspects of the Council's corporate Governance Arrangements.

#### **4.1.3 Responsibilities of the Head of Finance and Commercial**

- (a) To select suitable accounting policies and to ensure that they are applied consistently.
- (b) To issue an annual timetable and guidelines to all relevant staff to enable the production of the annual financial statement. [HYPERLINK](#)
- (c) To prepare and publish the authority's audited accounts for each financial year in accordance with the statutory timetable, and obtain Audit Committee approval of the accounts
- (d) To make proper arrangements for the audit of the authority's accounts in accordance with current Accounts and Audit Regulations
- (e) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets that the external auditors consider necessary for the purposes of their work.
- (f) To ensure there is effective liaison between external and internal audit.
- (g) To work with the external auditor and advise the full Council, Cabinet and Director and HoS on their responsibilities in relation to external audit.

#### **4.1.4 Responsibilities of Director and HoS**

- (a) To adhere to the accounting policies and guidelines approved by the Head of Finance and Commercial.
- (b) To supply and retain information required to enable the statement of accounts to be completed in accordance with the timetable and guidelines issued by the Head of Finance and Commercial.
- (c) To ensure that external auditors are given access at all reasonable times to premises, personnel, documents and assets which the external auditors



consider necessary for the purposes of their work.

- (d) To ensure that all records and systems are up to date and available for inspection

## **5.0 FINANCIAL PLANNING**

### **5.1 MAINTENANCE OF RESERVES**

#### **5.1.1 Why is this important?**

- (a) The Council must decide the level of general reserves it wishes to maintain before it can decide the level of Council tax. The council needs to maintain reserves to enable it to provide for unexpected events and thereby protect it from overspending, should such an event occur. Reserves for specific purposes may also be maintained, such as the purchase or renewal of capital items.

#### **5.1.2 Key controls**

- (a) To maintain reserves at a prudent level in accordance with guidance issued by Government or the Chartered Institute of Public Finance and Accountancy (CIPFA) (e.g. LAAP Bulletin 77) and agreed accounting policies.
- (b) The purpose, usage and basis of each reserve should be clearly identified
- (c) Authorisation and expenditure from reserves by the appropriate Director and HoS in consultation with the Head of Finance and Commercial.

#### **5.1.3 Responsibilities of the Head of Finance and Commercial**

- (a) To advise the Cabinet and/or the full Council on the minimum level of reserves for the authority (MTFP), having regard to relevant external guidance.
- (b) To designate which reserves are controlled reserves and to report to Cabinet and/or Council if any controlled reserve is likely to become inadequate.

#### **5.1.4 Responsibilities of Director and HoS**

- (a) To ensure that resources are used only for the purposes for which they were intended

## 5.2 TAXATION

### 5.2.1 Why is this important?

- (a) Like all organisations, the authority is responsible for ensuring its tax affairs are in order. Tax issues are often very complex and the penalties for incorrectly accounting for tax are severe. It is therefore very important for all officers to be aware of their role.

### 5.2.2 Key controls

- (a) The key controls for taxation are:
  - i) budget managers are provided with relevant information and kept up to date on tax issues
  - ii) budget managers are instructed on required record keeping
  - iii) all taxable transactions are identified, properly carried out and accounted for within stipulated time-scales
  - iv) records are maintained in accordance with instructions
  - v) returns are made to the appropriate authorities within the stipulated time-scale.

### 5.2.3 Responsibilities of the Head of Finance and Commercial

- (a) To advise on all tax matters as appropriate to in the light of guidance and relevant legislation [HYPERLINK](#).

### 5.2.4 Responsibilities of [Head of HR, ICT and Shared Support Services](#) ~~Director and HoS and Shared Support Services~~

- (a) To ensure that the correct VAT liability is attached to all income due and that all VAT recoverable on purchases complies with HMRC regulations.

- (b) To complete all tax returns by their due date, and make all tax payments due or receive tax credits due as appropriate.
- (c) To maintain the authority's tax records
- (d) To ensure that, where construction and maintenance works are undertaken, the contractor fulfils the necessary construction industry tax deduction requirements.
- (e) To ensure that all persons employed by the authority are added to the authority's payroll and tax deducted from any payments, except where the individuals are bona fide self-employed or are employed by a recognised staff agency.

### **5.3 TRADING ACCOUNTS AND BUSINESS UNITS**

#### **5.3.1 Why is this important?**

- (a) Trading accounts and business units have become more important as local authorities have developed a more commercial culture.

#### **5.3.2 Responsibilities of the Head of Finance and Commercial**

- (a) To advise on the establishment and operation of trading accounts and business units.

#### **5.3.3 Responsibilities of Director and HoS**

- (a) To consult with the Head of Finance and Commercial where a business unit wishes to enter into a contract with a third party where the contract expiry date exceeds the remaining life of their main contract with the authority. In general, such contracts should not be entered into unless they can be terminated within the main contract period without penalty.
- (b) To observe all statutory requirements in relation to business units, including the maintenance of a separate revenue account to which all relevant income is credited and all relevant expenditure, including overhead costs, is charged, and to produce an annual

report in support of the final accounts.

- (c) To ensure that the same accounting principles are applied in relation to trading accounts as for other services or business units.

## **5.4 PARTNERSHIPS**

### **5.4.1 Why is this important?**

- (a) Many services and activities are delivered by the Council through partnership working. . The Localism Act may extend this further with voluntary and other organisations taking over assets and services previously run by the council
- (b) Therefore, the Council must have arrangements in place to ensure that partnership working is effective through the management of the Council's financial and other risks. The financial regulations underpin the Council's agreed approach to partnership working, which requires;
  - An evaluation before the Council enters into any partnership arrangement.
  - A regular review of the Council's 'significant partnerships'.

### **5.4.2 What is a partnership?**

"An agreement between two or more independent bodies to work collectively to achieve an objective" (Audit Commission, 2005).

These can range from formal contractual structures to informal joint working arrangements. Each form will confer differing responsibilities on the authority with differing risk impacts and control arrangements.

### **5.4.3 Why work in partnership?**

There are a number of reasons why we work in partnership.

- To provide better quality services to the public through the pooling of skills and best practise.

- To approach complex issues or local weaknesses that requires the involvement of multiple agencies.
- To bid for or gain access to new resources or to make the best use of scarce resources.
- To meet a strategic requirement.
- To take advantage of new opportunities and innovation

#### 5.4.4 Key Controls

Partnership arrangements can be complex and it is therefore essential that robust monitoring and risk management principles are applied to all aspects of partnership working.

##### (a) Evaluation before entering into a partnership arrangement

The New Partnership Evaluation Form [HYPERLINK](#) needs to be completed, which will result in an action plan to identify how to mitigate any risks identified, before seeking Council agreement to enter into a partnership arrangement.

##### (b) Review of 'Significant Partnerships'

The Council undertakes a regular review of Significant Partnerships. The review process examines the cost of the partnership (both staff time and financial), the actions and issues facing WDC in respect of the partnership, the key past achievements and the forward plan with actions to ensure good governance from the Council's perspective. This activity means that the Council's input can be related to the partnerships outcomes, ensuring that it is fit for purpose and that any potential risks are highlighted and can therefore be acted upon.

Not all of the partnerships in which the Council is involved are included in this review process; it is limited to those that WDC has defined as Significant Partnerships. WDC has defined significant partnerships as those that;

- Are involved in policy development which impacts on the Council
- Take up to 50 hours of WDC officer time or have funding allocated to them
- Contribute to WDC's priorities

(c) **Project Management in Partnership**

Partnerships can be established in relation to specific projects. WDC may be involved in a partnership of this type by;

- Acting as a project deliverer or sponsor, either exclusively or in concert with others.
- Acting as a project funder or part funder.
- Being the beneficiary group of the activity undertaken in a project.

WDC has a defined project management approach that uses a Prince2 methodology, encapsulating a five-step process. This process ensures that as well as outlining the rationale to enter into the partnership, the Council can also manage the risks involved with the project delivery. All projects must follow the Council's agreed programme / project management approach or the Partnership's agreed approach.

**5.4.5 Responsibilities of the Head of Finance and Commercial**

- a) To advise on effective controls to ensure that resources are not wasted
- b) To advise on the key elements of funding a project. This includes:
  - A scheme appraisal for financial viability in both current and future years
  - Risk appraisal and management
  - Resourcing, including taxation issues
  - Audit, security and control arrangements
  - Carry-forward arrangements

- To ensure that the accounting arrangements are satisfactory

#### **5.4.6 Responsibilities of Director and HoS**

- a) To ensure that before entering into a new partnership that the Partnership Protocol has been adhered to and that a New Partnership Evaluation Form is completed.
- b) To ensure that each of the Authority's significant partnerships are kept under review and any other partnerships relating to their service and highlight any issues as necessary.
- c) To ensure that before entering into agreements with external bodies, a risk management appraisal has been prepared for the Head of Finance and Commercial.
- d) To ensure that such arrangements do not impact adversely upon the services provided by the authority, and are properly documented.
- e) To provide appropriate information to the Head of Finance and Commercial to enable a note to be entered into the authority's statement of accounts concerning material items.
- f) To follow the Council's agreed programme / project management approach or the Partnership's agreed approach.
- g) To maintain a register of all contracts entered into with external bodies in accordance with procedures specified by the Head of Finance and Commercial.

### **5.5 EXTERNAL FUNDING - GRANTS**

#### **5.5.1 Why is this important?**

- (a) 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 authority.

#### **5.5.2 Key controls**

- (a) The key controls for external funding are:
  - i) to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the accountable body are clearly understood
  - ii) to ensure that any match-funding requirements are given due consideration prior to entering into long-term agreements and that future revenue budgets reflect these requirements
  - iii) Regular monitoring to be in place for all external funding through partnerships
  - iv) to report jointly to the Head of Finance and Commercial and Strategic Management Board on the planned use of these funds, including cashflow.

### **5.5.3 Responsibilities of the Head of Finance and Commercial**

- (a) To ensure that all funding notified by external bodies is received and properly recorded in the authority's accounts.
- (b) To ensure that the match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
- (c) To ensure that [the funding bodies](#) audit requirements are met.

### **5.5.4 Responsibilities of Director and HoS**

- (a) To notify the Head of Finance and Commercial of any intended bid for securing external funding prior to submission
- (b) To notify the Head of Finance and Commercial of the outcome of the bid
- (c) To report jointly to the Head of Finance and Commercial and Strategic Management Board on the planned use of these funds including cashflow



- (d) To ensure that all claims for funds are made by the due date.
- (e) To ensure that the project progresses in accordance with the agreed project and that all expenditure is properly incurred and recorded.
- (f) To maximise external funding

## **5.6 CONTRACTS WITH OTHER PUBLIC BODIES**

### **5.6.1 Why is this important?**

- (a) Current legislation enables the authority to provide or receive a range of services to or from other public 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 work is minimised and that such work is intra vires (i.e. within the Authority's power).

### **5.6.2 Key controls**

- (a) The key controls for working with third parties are:
  - i) to ensure that proposals are costed properly in accordance with guidance provided by the Head of Finance and Commercial
  - ii) to ensure that Inter Authority Agreements (contractually binding) are drawn up using **advice guidance** provided by the Head of Finance and Commercial and the District Solicitor and that the formal approvals process is adhered to
  - iii) to issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register and that the Council's Procurement Manager has been fully consulted throughout the process.

### **5.6.3 Responsibilities of Head of Finance and Commercial**

- (a) To issue guidance with regard to the financial aspects of third party contracts and the maintenance of the contract register.

#### **5.6.4 Responsibilities of Director and HoS**

- (a) To ensure that the approval of the Cabinet is obtained before any negotiations are concluded to work for third parties.
- (b) To keep updated the contracts register of all agreements entered into with public bodies in accordance with procedures specified by the Head of Finance and Commercial.
- (c) To ensure that appropriate insurance arrangements are made.
- (d) To ensure that the authority is not put at risk from any bad debts.
- (e) To ensure that no contract is subsidised by the authority.
- (f) To ensure that, wherever possible, payment is received in advance of the delivery of the service.
- (g) To ensure that the division/unit has the appropriate expertise to provide the services.
- (h) To ensure that such contracts do not impact adversely upon the services provided for the authority.
- (i) To ensure that all contracts are properly documented.
- (j) To provide appropriate information to the Head of Finance and Commercial to enable a note to be entered into the statement of accounts.

(k) To consult with the District Solicitor for any proposed arrangement with another public body as it may fall within the scope of the Public Contract Regulations.

### **6.0 RISK MANAGEMENT & CONTROL OF RESOURCES**

#### **6.1 RISK MANAGEMENT**

##### **6.1.1 Why is this important?**

- (a) All organisations, whether private or public sector, encounter risks. Risk is the effect of uncertainty on

objectives; it is typically represented by a combination of the consequences of an event or a change in circumstances, and the associated probability of occurrence. Risk management is a systematic application of principles and approach to the tasks of analysing, evaluating and treating risk. Risk management can aid an organisation to achieve its objectives by:

- improving accountability, decision making, transparency and visibility;
- protecting reputation and stakeholder confidence;
- protecting revenue and improving value for money;
- enhancing an organisation's adaptability and responsiveness to operating fluctuations so that it is better able to satisfy stakeholders changing needs in a continually evolving business environment;

In essence, it is an essential element of good management.

- (b) It is the overall responsibility of the Cabinet to approve the authority's risk management framework, which should include the risk management strategy and policy, and the development of an effective risk management culture throughout the authority.

### **6.1.2 Key controls**

- (a) The key controls for risk management are:
- i) effective and efficient processes to identify, assess, respond, report and review risks, and that these processes are operating throughout the authority
  - ii) monitoring processes are in place to review the effectiveness of risk management activity
  - iii) managers know that they are responsible for managing relevant risks and are provided with relevant information on risk management initiatives

- iv) provision is made for losses that might result from the risks that remain
- v) Managers receive periodic reports as regards insurance claims affecting their respective service areas.
- vi) processes are in place to investigate [insurance](#) claims within required time-scales
- vii) acceptable levels of risk are determined and insured against where appropriate
- viii) the authority has identified business continuity plans for implementation in the event of disaster that results in significant loss or damage to its resources.

### **6.1.3 Responsibilities of the Head of Finance and Commercial**

- (a) To prepare and promote the authority's risk management policy statement.
- (b) To develop risk management controls in conjunction with Director and HoS.
- (c) To report to SMB on a quarterly basis on the key Strategic Risks, significant issues requiring action and an analysis of losses and proposed steps to mitigate these.
- (d) To report to the Audit Committee at least ~~4 times~~ **twice** a year on the Council's Risk Management processes (**Strategic Risk Register**) and any material weaknesses.
- (e) To co-ordinate and report to the SMB and Audit Committee the Council's Annual Governance Statement by 30 ~~June~~ **September** each year for the preceding financial year.

### ~~6.1.4~~ **Responsibilities of Shared Support Services**

- (f) To include all appropriate employees of the authority in a suitable fidelity guarantee insurance.
- (g) To effect corporate insurance cover, through external insurance and internal funding, and to negotiate all claims in consultation with other officers, where

necessary.

- (h) To settle third party claims after taking appropriate advice and consulting with Legal Services to manage the financial, legal, service and reputational risks of the Council.

#### **6.1.4 Responsibilities of Director and HoS**

- (a) To notify ~~Shared Support Services~~ the Finance Team immediately of any loss, liability or damage that may lead to a claim against the authority, together with any information or explanation required by the Procurement and Risk Manager or the authority's insurers.
- (b) To take responsibility for risk management, having regard to advice from ~~Shared Support Services~~ the Finance Team and other specialist officers (e.g. crime prevention, fire prevention, health and safety).
- (c) To ensure that there are regular reviews of risk within their departments. All Heads of Service to review their operational risks on at least a quarterly basis.
- (d) To notify ~~Shared Support Services~~ the Finance Team promptly of all new risks, properties or vehicles that require insurance and of any alterations affecting existing insurances.
- (e) To consult ~~Shared Support Services~~ the Finance Team and the District Solicitor on the terms of any indemnity that the authority is requested to give.
- (f) To ensure that employee, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- (g) To complete Annual Governance Declarations ~~HYPERLINK~~ in accordance with the guidance issued by the Corporate Governance Group and meet the agreed deadlines.

## **6.2 INTERNAL CONTROLS**

### **6.2.1 Why is this important?**

- (a) The authority is complex and beyond the direct control of individuals. It has statutory obligations and therefore requires internal controls to manage and monitor progress towards strategic objectives.
- (b) The authority 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.
- (c) The system of internal controls is established in order to provide measurable achievement of:
  - i) efficient and effective operations
  - ii) reliable financial information and reporting
  - iii) compliance with laws and regulations
  - iv) risk management.

### **6.2.2 Key controls**

- (a) The key controls and control objectives for internal control systems are:
  - i) key controls should be reviewed on a regular basis and the authority should make a formal statement annually to the effect that it is satisfied that the systems of internal control are operating effectively
  - ii) managerial control systems, including defining policies, setting objectives and plans, monitoring financial and other performance and taking appropriate anticipatory and remedial action. The key objective of these systems is to promote ownership of the control environment by defining roles and responsibilities
  - iii) financial and operational control systems and procedures, which include physical safeguards for assets, segregation of duties, authorisation and approval procedures and information systems
  - iv) an effective internal audit function that is properly resourced. It should operate in accordance with

the principles contained in the Auditing Practices Board's auditing guideline Guidance for Internal Auditors, CIPFA's Code of Practice for Internal Audit in Local Government in the United Kingdom and with any other statutory obligations and regulations.

### **6.2.3 Responsibilities of the Head of Finance and Commercial**

- (a) To assist the authority to put in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with laws and regulations.

### **6.2.4 Responsibilities of Director and HoS**

- (a) To manage processes to check that established controls are being adhered to and to evaluate their effectiveness, in order to be confident in the proper use of resources, achievement of objectives and management of risks.
- (b) To review existing controls in the light of changes affecting the authority and to establish and implement new ones in line with guidance from the Audit, [Risk](#) and Fraud [and Risk](#) Manager. Director and HoS should also be responsible for removing controls that are unnecessary or not cost or risk effective – for example, because of duplication.
- (c) To ensure staff have a clear understanding of the consequences of lack of control.

## **6.3 INTERNAL AUDIT REQUIREMENTS**

### **6.3.1 Why is this important?**

- (a) The requirement for an internal audit function for local authorities is implied by section 151 of the Local Government Act 1972, which requires that authorities “make arrangements for the proper administration of their financial affairs”. The Accounts and Audit Regulations 2003 regulation 6, more specifically require that a “relevant body shall maintain an

adequate and effective system of internal audit of their accounting records and control systems”.

- (b) Accordingly, internal audit is an independent and objective appraisal function established by the authority for reviewing the system of internal control. It examines, evaluates and reports on the adequacy of internal control as a contribution to the proper, economic, efficient and effective use of resources.

### **6.3.2 Key controls**

- (a) The key controls for internal audit are:
  - i) that it is independent in its planning and operation
  - ii) the Head of Finance and Commercial, or in exceptional circumstances, the Audit, [Risk](#) and [Fraud & Risk](#) Manager, has direct access to the Head of Paid Service, all levels of management and directly to elected members
  - iii) the internal auditors comply with the Public Sector International Internal Auditing Standards, as interpreted by CIPFA’s Code of Practice for Internal Audit in Local Government in the United Kingdom.

### **6.3.3 Responsibilities of the Chief Executive**

- (a) To ensure that internal auditors have the authority to:
  - i) access authority premises at reasonable times
  - ii) access all assets, records, documents, correspondence and control systems
  - iii) receive any information and explanation considered necessary concerning any matter under consideration
  - iv) require any employee of the authority to account for cash, stores or any other authority asset under his or her control
  - v) access records belonging to third parties, such as contractors, when required



- vi) directly access the Head of Paid Service, the Cabinet and Audit Committee.
- vii) approve the strategic and annual audit plans prepared by the Head of Finance and Commercial, which take account of the characteristics and relative risks of the activities involved.
- viii) ensure that effective procedures are in place to investigate promptly any fraud or irregularity.

#### **6.3.4 Responsibilities of Director and HoS**

- (a) To ensure that internal auditors are given access at all reasonable times to premises, personnel, documents and assets that the auditors consider necessary for the purposes of their work.
- (b) To ensure that auditors are provided with any information and explanations that they seek in the course of their work.
- (c) To consider and respond promptly to recommendations in audit reports.
- (d) To ensure that any agreed actions arising from audit recommendations are carried out in a timely and efficient fashion.
- (e) To notify the Head of Finance and Commercial immediately of any suspected fraud, theft, irregularity, improper use or misappropriation of the authority's property or resources. Pending investigation and reporting, the Director and HoS should take all necessary steps to prevent further loss and to secure records and documentation against removal or alteration.
- (f) To ensure that new systems for maintaining financial records, or records of assets, or changes to such systems, are discussed with and agreed by the Audit, ~~and Risk and~~ Risk and Fraud ~~& Visiting Risk~~ Manager prior to implementation.

### **6.4 THE PREVENTING FRAUD AND CORRUPTION**

#### **6.4.1 Why is it this important?**

- (a) the authority will not tolerate fraud and corruption in the administration of its responsibilities, whether from inside or outside the authority.
- (b) The authority's expectation of propriety and accountability is that members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- (c) The authority also expects that individuals and organisations (e.g. suppliers, contractors, service providers) with whom it comes into contact will act towards the authority with integrity and without thought or actions involving fraud and corruption.

#### **6.4.2 Key controls**

- (a) The key controls regarding the prevention of financial irregularities are that:
  - i) the authority has an effective anti-fraud and anti-corruption policy and maintains a culture that will not tolerate fraud or corruption
  - ii) all members and staff act with integrity and lead by example
  - iii) Director and HoS are required to deal swiftly and firmly with those who defraud or attempt to defraud the authority or who are corrupt
  - iv) high standards of conduct are promoted amongst members by the standards committee
  - v) the maintenance of a register of interests [HYPERLINK](#) in which any hospitality or gifts accepted must be recorded
  - vi) whistle blowing procedures [HYPERLINK](#) are in place and operate effectively
  - vii) legislation including the Public Interest Disclosure Act 1998 is adhered to

#### **6.4.3 Responsibilities of the Head of Finance and Commercial**

In consultation with the Audit & Fraud & Risk Manager:

- (a) To develop and maintain an anti-fraud and anti-corruption policy.
- (b) To report significant irregularities to the Head of Paid Service, Cabinet and Audit Committee as appropriate.
- (c) To maintain adequate and effective internal control arrangements.
- (d) The Audit, Fraud and Risk Manager is designated as the Money Laundering Reporting Officer in accordance with the Money Laundering Regulations 2003. He/she has responsibility for ensuring that the Council complies with the requirements of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003. Any potential breaches of the Council's Money Laundering Avoidance Protocol should be reported to the Money Laundering Reporting Officer who will file any reports that he/she deems necessary with the National Crime ~~Agency~~ [Intelligence Service](#).

#### **6.4.4 Responsibilities of Director and HoS**

- (a) To maintain adequate and effective internal control arrangements.
- (b) To ensure that all suspected irregularities are reported to the Head of Finance and Commercial.
- (c) To instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.
- (d) To ensure that where financial impropriety is discovered, the Head of Finance and Commercial is informed immediately. Where sufficient evidence exists to believe that a criminal offence may have been committed, the Head of Finance and Commercial will call in the police to determine with the Crown Prosecution Service whether any prosecution will take place.
- (e) To ensure that staff include any interests as defined in Staff Terms and Conditions in the register held by the

Democratic Services Manager.

## **6.5 ASSETS - SECURITY**

### **6.5.1 Why is this important?**

- (a) The authority holds assets in the form of property, vehicles, equipment, furniture 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. An up-to-date asset register is a prerequisite for proper fixed asset accounting and sound asset management.

### **6.5.2 Key controls**

- (a) The key controls for the security of resources such as land, buildings, fixed plant machinery, equipment, software and information are:
  - i) resources are used only for the purposes of the authority and are properly accounted for
  - ii) resources are available for use when required
  - iii) resources no longer required are disposed of in accordance with the law and the regulations of the authority so as to maximise benefits
  - iv) an asset register is maintained for the authority, assets are recorded when they are acquired by the authority and this record is updated as changes occur with respect to the location and condition of the asset
  - v) all staff are aware of their responsibilities with regard to safeguarding the authority's assets and information, including the requirements of the Data Protection Act and software copyright legislation
  - vi) all staff are aware of their responsibilities with regard to safeguarding the security of the authority's computer systems, including maintaining restricted access to the information

held on them and compliance with the authority's computer and Internet security policies.

### **6.5.3 Responsibilities of the Head of Finance and Commercial**

- (a) To determine which assets are required to be included within an asset register and to maintain a register of all assets with a value in excess of £10,000 for the purposes of compiling the authority's final accounts

### **6.5.4 Responsibilities of Head of HR, ICT and Shared Support Services**

- (a) to maintain an inventory of all ~~#~~ IT equipment and software
- (b) to maintain a property database of all mechanical and engineering plant and equipment currently owned or used by the authority.

### **6.5.5 Responsibilities of the ~~Estates Services Major Projects and Property Executive~~**

- (a) To ensure that an asset register (land terrier) is maintained in accordance with good practice for all land and buildings. The function of the asset register is to provide the authority with information about fixed assets so that they are:
  - i) Safeguarded
  - ii) used efficiently and effectively
  - iii) adequately maintained.
- (b) To provide the information required for accounting, costing and financial records.
- (c) To ensure that assets are valued in accordance with the Code of Practice on Local Authority Accounting (IFRS) and Resource Accounting framework as determined by the Communities and Local Government Minister.
- (d) To conduct an annual impairment review of all assets to assess whether the valuation held remains accurate and that all asset lives are realistic. This review should be consistent with the Code of Practice on LAA

in the United Kingdom

- (e) Surplus assets are identified and promptly notified to the Head of Finance and Commercial.

#### 6.5.6 Responsibilities of Director and HoS

- (a) To ensure that any use of property by a department or establishment other than for direct service delivery should be supported by documentation identifying terms, responsibilities and duration of use.
- (b) To ensure that lessees and other prospective occupiers of Council land are not allowed to take possession or enter the land until a lease or agreement, in a form approved by the Director and HoS in consultation with the District Solicitor, has been established as appropriate.
- (c) To ensure the proper security of all buildings and other assets under their control.
- (d) Where land or buildings are surplus to requirements, a recommendation for sale should be the subject of a joint report by the Director and HoS and the Head of Property Services, in consultation with the Head of Finance and Commercial.
- (e) To pass title deeds to the District Solicitor who is responsible for custody of all title deeds.
- (f) To ensure that no authority asset is subject to personal use by an employee without proper authority.
- (g) To ensure the safe custody of vehicles, equipment, furniture, stock, stores and other property belonging to the authority
- ~~(h) To maintain any inventory of assets as may be required in accordance with arrangements defined by the Head of Finance and Commercial~~
- (h) To maintain an inventory of all ~~office furniture and specialist~~ equipment with a replacement value of more than £10,000 or items considered to be high risk e.g. ~~portable~~ and desirable.
- (i) To ensure that assets with a replacement value over £10,000 or considered high risk, are identified, their location recorded and that they are appropriately

marked and insured

- (j) To consult the Audit, ~~and~~ [Risk and Fraud & Risk](#) Manager in any case where security is thought to be defective or where it is considered that special security arrangements may be needed
- (k) To ensure that there are no cash holdings on premises
- (l) To ensure that keys to safes and similar receptacles are secured. Any loss of any such keys must be reported to the appropriate Head of Service as soon as possible
- (m) To record all disposal or part exchange of assets that should normally be by competitive tender or public auction, unless, following consultation with the relevant Head of Service
- (n) To arrange for the valuation of assets for accounting purposes to meet requirements specified by the Head of Finance and Commercial
- (o) To ensure that all employees are aware that they have a personal responsibility with regard to the protection and confidentiality of information, whether held in manual or computerised records. Information may be sensitive or privileged, or may possess some intrinsic value, and its disclosure or loss could result in a cost to the authority in some way
- (p) To carry out an annual check of all items on any inventory in order to verify location, review, and condition and to take action in relation to surpluses or deficiencies, annotating the inventory accordingly. Attractive and portable items such as computers, cameras and video recorders should be identified with security markings as belonging to the authority.

## **6.6 STOCKS AND STORES**

### **6.6.1 Responsibilities of Director and HoS**

- (a) To make arrangements for the care and custody of stocks and stores.
- (b) To ensure stocks are maintained at reasonable levels and are subject to a regular independent physical

check. All discrepancies should be investigated and pursued to a satisfactory conclusion.

- (c) To investigate and remove from the authority's records (i.e. write off) discrepancies as necessary, or to obtain Cabinet approval if they are in excess of a predetermined limit.
- (d) To authorise or write off disposal of redundant stocks and equipment. Procedures for disposal of such stocks and equipment should be by competitive quotations or auction, unless, following consultation with the Head of Finance and Commercial, the Cabinet decides otherwise in a particular case.
- (e) To seek Cabinet approval to the write-off of redundant stocks and equipment in excess of a predetermined sum.

## **6.7 INTELLECTUAL PROPERTY**

### **6.7.1 Why is this important?**

- (a) Intellectual property is a generic term that includes inventions and writing. If these are created by the employee during the course of employment, then, as a general rule, they belong to the employer, not the employee. Various acts of Parliament cover different types of intellectual property.
- (b) Certain activities undertaken within the authority may give rise to items that may be patentable, for example, software development. These items are collectively known as intellectual property.

### **6.7.2 Key controls**

- (a) In the event that the authority decides to become involved in the commercial exploitation of inventions, the Head of Finance and Commercial should be consulted.

### **6.7.3 Responsibilities of Director and HoS**

- (a) To 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.



## **6.8 ASSET DISPOSAL**

### **6.8.1 Why is this important?**

- (a) It would be uneconomic and inefficient for the cost of assets to outweigh their benefits. Obsolete, non-repairable or unnecessary resources should be disposed of in accordance with the law and the regulations of the authority.

### **6.8.2 Key controls**

- (a) Assets for disposal are identified and are disposed of at the most appropriate time, and only when it is in the best interests of the authority, and best price is obtained, bearing in mind other factors, such as environmental issues. For items of significant value, disposal should be by competitive tender or public auction.
- (b) Procedures protect staff involved in the disposal from accusations of personal gain.

### **6.8.3 Responsibilities of the Head of Finance and Commercial**

- (a) To issue guidelines representing best practice for disposal of assets.
- (b) To ensure appropriate accounting entries are made to remove the value of disposed assets from the authority's records and to include the sale proceeds if appropriate.

### **6.8.4 Responsibilities of Director and HoS**

- (a) To seek advice from purchasing advisors on the disposal of surplus or obsolete materials, stores or equipment.
- (b) To ensure that income received for the disposal of an asset is properly banked and coded.

## **6.9 TREASURY MANAGEMENT**

### **6.9.1 Why is this important?**

- (a) Many millions of pounds pass through the authority's books each year. This led to the establishment of

codes of practice. These aim to provide assurances that the authority'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 authority's capital sum.

#### **6.9.2 Key controls**

- (a) That the authority's borrowings and investments comply with the CIPFA Code of Practice on Treasury Management and with the authority's treasury policy statement and Policy.

#### **6.9.3 Responsibilities of Head of Finance and Commercial – treasury management and banking**

- (a) To arrange the borrowing and investments of the authority in such a manner as to comply with the CIPFA Code of Practice on Treasury Management and the authority's treasury management policy statement and strategy.
- (b) To report three times a year on treasury management activities to the Audit Committee.
- (c) To operate bank accounts as are considered necessary – opening or closing any bank account shall require the approval of the Head of Finance and Commercial.

#### **6.9.4 Responsibilities of Director and HoS – Treasury management & banking**

- (a) To follow the instructions on banking issued by the Head of Finance and Commercial.

#### **6.9.5 Responsibilities of Head of Finance and Commercial – investments and borrowing**

- (a) To ensure that all investments of money are made in the name of the authority or in the name of nominees approved by the full Council.
- (b) To ensure that all securities that are the property of the authority or its nominees and the title deeds of all property in the authority's ownership are held in the custody of the appropriate Director and HoS.

- (c) To effect all borrowings in the name of the authority.
- (d) To act as the authority's registrar of stocks, bonds and mortgages and to maintain records of all borrowing of money by the authority.

#### **6.9.6 Responsibilities of Director and HoS – investments and borrowing**

- (a) To ensure that loans are not made to third parties and that interests are not acquired in companies, joint ventures or other enterprises without the approval of the full Council, following consultation with the Head of Finance and Commercial.

#### **6.9.7 Responsibilities of Head of Finance and Commercial – Trust funds & funds held for third parties**

- (a) To arrange for all trust funds to be held, wherever possible, in the name of the authority. All officers acting as trustees by virtue of their official position shall deposit securities, etc. relating to the trust with the District Solicitor, unless the deed otherwise provides.
- (b) To arrange, where funds are held on behalf of third parties, for their secure administration, and to maintain written records of all transactions.
- (c) To ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust.

### **6.10 STAFFING**

#### **6.10.1 Why is this important?**

- (a) In order to provide the highest level of service, it is crucial that the authority recruits and retains high calibre, knowledgeable staff, qualified to an appropriate level.

#### **6.10.2 Key controls**

- (a) The key controls for staffing are:

- i) an appropriate staffing strategy and policy exists, in which staffing requirements and budget allocation are matched
- ii) procedures are in place for forecasting staffing requirements and cost controls are implemented that ensure that staff time is used efficiently and to the benefit of the Authority
- iii) checks are undertaken prior to employing new staff to ensure that they are appropriately qualified, experienced and trustworthy

#### **6.10.3 Responsibilities of the Head of Finance and Commercial**

- (a) To ensure that cash limits are updated regularly to reflect the cost (currently 98%) of the establishment base plus provision for staffing service pressure bids.
- (b) To act as an advisor to Director and HoS on areas such as National Insurance and pension contributions, as appropriate.

#### **6.10.4 Responsibilities of Director and HoS**

- (a) To produce an annual staffing budget.
- (b) To ensure that the staffing budget is an accurate forecast of staffing levels and is equated to an appropriate revenue budget provision (including on-costs and overheads)
- (c) To monitor staff activity to ensure adequate control over such costs as sickness, overtime, training and temporary staff
- (d) To ensure that the staffing budget is not exceeded without due authority and that it is managed to enable the agreed level of service to be provided.
- (e) To ensure that the Head of Human Resources ICT & Shared Support Services and the Head of Finance and Commercial are immediately informed if the staffing budget is likely to be materially over or underspent.

## 6.11 GRATUITIES

- (a) Every officer and member of the authority has a responsibility to declare any links or personal interests that they may have with purchasers, suppliers and/or contractors or beneficiaries if they are engaged in payment decisions on behalf of the authority, in accordance with appropriate codes of conduct [HYPERLINK](#).
- (b) As a general rule officers should not accept gratuities or hospitality. However as the authority does not wish to give offence and as gifts sometimes come as part of a marketing initiative the following general guidance is given:
  - i) no gifts of a value of more than £20 should be retained by an individual officer. If gifts are accepted above £20 they should be pooled in the office and therefore shared with all staff;
  - ii) other gifts such as meals or entertainment may be accepted if they are in the normal course of business and only if they are reasonable. A free meal every week, a very expensive meal, free accommodation or holidays are obviously not reasonable;
  - iii) if in doubt it is good practice to ensure that your supervisor sanctions your actions but the Head of Finance and Commercial will be the final arbiter.

## **APPENDICES - FINANCIAL DIRECTIVES**

### **APPENDIX 1 - BUDGETS: GENERAL**

#### **Financial Strategy and Planning (Estimates)**

- 1.1 Annually the Council must complete a financial review cycle to conform to the Budget and Policy Framework Rules.
- 1.2 The Head of Finance and Commercial will ensure that the cycle will be completed in two parts, each of which will be submitted to Cabinet, working closely with the Improvement and Review Commissions Budget Task & Finish Group, before being approved by Council.
- 1.3 The two parts of the review will apply equally to Revenue and the Major Projects Programme and consist of a Strategic financial planning phase and detailed budget review as explained in the following sections.
- 1.4 The Major Projects Programme will be compiled annually (or more frequently if required) and cover a five year period e.g. the current year plus the next four years. Estimates of available funding will also be made for the same period and matched to spending profiles.
- 1.5 Each new scheme entered on the programme must be supported by a project mandate plan which shows the spending pattern over the five year period.
- 1.6 The Major Project Programme will be monitored by the Head of Finance and Commercial who will be responsible for reporting variances from agreed spending patterns to the Director and HoS for further action.
- 1.7 To release funds from the MPP the responsible HoS must prepare a detailed business case. Where the total value of the scheme is less than £100,000 this requires the approval of the relevant Cabinet Member, Head of Finance and Commercial and Cabinet Member for Finance. For sums above £100,000 full Cabinet approval is required.

#### **Strategic Financial Planning Review:**

- 1.8 The Head of Finance and Commercial will produce financial forecasts for the Council and advise on the financial and economic implications of service development plans and programmes.

- 1.9 A six year strategic forecast will be prepared annually setting out the expected funding position for the next six year period.
- 1.10 The first year of this forecast will be prepared in sufficient detail to be adopted as the Strategic Budget and used to set the budget targets for the forthcoming financial year.
- 1.11 The Strategic Budget will be approved by Cabinet in advance of the revenue budget preparation cycle and will be used as the Council's financial target for the estimate process which follows. This budget will identify if it is necessary to reduce costs or increase income to meet the target and will therefore lay down the work required to meet the second part of the budget review.
- 1.12 Periodically deeper reviews may precede these arrangements to ensure that the financial strategies proposed are in line with other strategic priorities e.g. Community Plan. The Chief Executive through the Head of Finance and Commercial will be responsible for making suitable arrangements to ensure all members can participate fully in these reviews.

#### **Detailed Budget Review (Budget Build)**

- 1.13 The second and final part of the annual financial review is the preparation of the detailed revenue estimates.
- 1.14 Estimates will be prepared by each HoS in consultation with the Head of Finance and Commercial, for the services which he/she is responsible and in the format requested. These will comply with any guidelines previously approved by the Council.
- 1.15 Each HoS will agree their estimates with the relevant Cabinet Member who in turn will be required to approve their figures before presentation to Cabinet.
- 1.16 The Chief Executive through the Head of Finance and Commercial will report to Cabinet, including the report from the Improvement and Review Commission's Budget Task and Finish Group on the estimates, and on any other matters relating to the approval of the budget.
- 1.17 At this time Cabinet will be asked to recommend the budget, any use of balances and the level of Council Tax to Council.
- 1.18 Council will set the Council Tax for the District in accordance with the current Council Tax rules at its annual meeting in February each year.

## **Review of Fees and Charges**

- 1.19 Each HoS is required to review their fees and charges at least annually ahead of when the budget is being prepared. The approval of this review is a Cabinet Member decision, except when the proposals relate to a new charge being introduced, existing charge removed or is considered to have wider corporate implications, e.g. Parking Charges. In these instances the approval of Cabinet would be required.
- 1.20 The Head of Finance and Commercial would advise on the timescales and format of any review.

### **Changes to Budgets:**

- 1.21 Changes to budgets fall into two categories those proposed:
- (a) before budgets are set (service pressure bids)
  - (b) after budgets have already been approved (virements).
- 1.22 For ease of reference the procedure for these are dealt with separately in the next two sections divided into Revenue and Capital expenditure.

### **Budget Consultation**

Separately, the Council will devise a Budget Consultation Strategy to ensure that key stakeholders and residents have an opportunity to be involved and consulted on budget proposals. The format and approach is reviewed in light of the financial and political environment. The Head of Policy and the Head of Finance and Commercial will jointly propose a Budget Consultation Strategy for approval by Cabinet.



## APPENDIX 2 – INCREASES TO REVENUE BUDGETS ~~CHANGES~~

### Approval of Revenue Service Pressure Bids: Increase to Council Budget

- 2.1 Section 1 dealt with the need to compile budgets which conform to strategic targets. Part of this procedure is to identify where additional new funding or significant adjustment to existing budgets, is required. These are known as service pressure bids. A service pressure bid will not be required when a cost cannot be avoided and where there is no alternative means of delivery. Normal budget approval limits will apply.
- 2.2 Service pressure bids will be subject to assessment by the Strategic Management Board and the Head of Finance and Commercial to ascertain the contribution to strategic objectives which will be made by the service to be provided.
- 2.3 Each bid will be proposed by the relevant HoS and supported by the relevant Cabinet member. All schemes will be supported with a fully worked up mandate and where appropriate a detailed business case. The required level of detail will be determined in agreement with the Head of Finance and Commercial after taking into account the complexity, value and wider implications of the bid.
- 2.4 The approval process must ensure that officers have undertaken the basic steps of appraisal, price competition and planned project management to satisfy a Project Initiation Document (PID) under the PRINCE 2 methodology (including PRINCE2 Lite).
- 2.5 ~~Bids for new monies must be approved by Cabinet. Where these bids exceed £100,000, Council approval is required.~~

## APPENDIX 3 – MAJOR PROJECT PROGRAMME CHANGES

### Approval of schemes in the Major Projects Programme:

- 3.1 Bids for new funds must be submitted ~~on a project bid in the~~ form of a ~~'mandate'~~ to the Head of Finance and Commercial for review. Once the financial and other corporate implications have been properly considered by the relevant officers a recommendation will be made to the Strategic Management Board, who will decide if this bid should be made to Cabinet . This may be done by the Head of Finance and Commercial as part of the Major Project Programme review during the budget process or by exception during the course of the year by the respective Head of Service in consultation with the Head of Finance and Commercial.
- 3.2 Once agreed, any bid for new funding made to Cabinet (regardless of source) will be added to the approved Major Projects Programme.
- 3.3 It is important to note that schemes included in the Major Projects Programme cannot be spent until they have been released.

### Releasing Scheme Funding from the Major Projects Programme

- 3.4 The relevant officer will need to work up a full business case, taking account of all key considerations including:
  - Cashflow / funding
  - Options
  - Risks
  - Performance

This business case should be signed off by the relevant HoS/Cabinet Member before submission to the Head of Finance and Commercial and Cabinet Member for Finance and Performance.

If the bid is supported, the following approval process will apply for releasing funds:

Bids under £100,000 (~~releasing of funds~~) by relevant Head of Service in consultation with the relevant Cabinet Members, Head of Finance and Commercial and Cabinet Member for Finance and Resources. Individual Cabinet Members, in consultation with the relevant HoS(s) and Head of Finance and Commercial.

Bids between £100,000 and ~~£2,000,000~~£500,000 must in addition be approved by Cabinet.

Bids over ~~£2,000,000~~£500,000 by Council.

## APPENDIX 4 - BUDGET MONITORING

### Overview

The Council's budgets cover a large range of diverse complex services which are exposed to significant external factors beyond the direct control of the Council. The need to operate a robust monitoring and reporting system is therefore essential to detect variances early and to take corrective action and ensure service performance objectives are met.

### Budget Holders

Budget Holders are required to review budgets under their direct control on a monthly basis (minimum) and record variances and report issues to the relevant lead Service Accountant. As part of this responsibility Budget Holders should review financial transactions, including commitments and accruals to ensure that these are correct. Budget profiles should also be reviewed and revised if appropriate. All budget holders are expected to demonstrate an in depth knowledge of their service budgets and provide monthly outturn projections to finance and where appropriate take action to address adverse budget issues.

### Heads of Service

HoS are expected to review budgets within their overall areas of responsibility and ensure that financial procedures and directives are followed and exceptions reported promptly to the Head of Finance and Commercial.

Where it is necessary to vire funds from one budget head to another the Head of Service should liaise with the Head of Finance and Commercial. Where the Head of Service believes an overspend situation is likely to arise, which cannot be dealt with through a budget virement, he/she needs to advise the Head of Finance and Commercial of this, including the reasons for this, steps taken to address this / avoid in the future and why in his/her opinion this cannot be met from within the overall budgets under their control.

### Financial Services

The Head of Finance and Commercial will consolidate the overall financial position of the Council based on the information reported by each Budget Holder. A formal monthly report will be issued to SMB ~~together with a summary action plan~~. A similar report will be provided to Cabinet on a quarterly basis (or more frequently if required).

The Head of Finance and Commercial will ensure that all Budget Holders have regular access to timely, accurate and user friendly budget information to enable them to effectively manage their budgets. This will be supported by appropriate financial / IT training.

## APPENDIX 5 - APPROVED LIMITS

### Write Off's / Write On's - Individual Limit

Table 1

| Authority  | Limit               |
|--|---------------------|
| Head of Finance and Commercial                                     | £50,000             |
| Head of Finance and Commercial in Consultation with Cabinet Member | £50,001 to £100,000 |
| Cabinet  | Over £100,000       |

### Orders / Contract Approval Spend Limits (within existing Budget Provision)

Table 2

| Authority   | Limit  |
|---|--|
| <a href="#">Budget Holders</a> <del>Service Managers</del>              | Up to £25,000  |
| Heads of Service  | Up to £100,000                                       |
| <a href="#">Heads of Service in consultation with Cabinet Member(s)</a> | <a href="#">Up to £500,000</a>                       |
| <a href="#">Corporate Director and</a> Cabinet                          | Up to <del>£2,000,000</del> <a href="#">£500,000</a> |
| Council   | Over <del>£2,000,000</del> <a href="#">£500,000</a>  |

### Budget Virements

Limits to apply for both revenue and capital budgets. Virements between [HRA](#), GF and the Major Projects Programme are not permitted.

Table 3

| Authority  | Limit  |
|--|--|
| Head of Service + CFO <del>+ relevant Cabinet Members</del>      | Up to £100,000 <del>0</del>                  |
| <a href="#">Head of Service + CFO + relevant Cabinet Members</a> | <a href="#">Between £10,001 and £100,000</a> |

|         |                               |
|---------|-------------------------------|
| Cabinet | Between £100,000 and £500,000 |
| Council | Over £500,000                 |

## Contingency Fund

The Head of Finance and Commercial should be consulted as soon as it becomes likely that a budget will be exceeded (expenditure) or that an income budget will not be achieved. Heads of Service are expected to meet in year variations within their overall budgetary responsibility. In the event that this cannot be done, the Head of Finance and Commercial holds a Contingency Fund to enable unexpected costs / shortfalls to be met. The Head of Finance and Commercial has authority to approve the release of funds within a given financial range in accordance with Table 3.

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## In Year Budget Increases

### Revenue Budgets

In the event that the budget for the Council is likely to be exceeded, the Head of Finance and Commercial will issue a report to Cabinet. The Head of Finance and Commercial will advise Cabinet if additional resources are required from working balances or whether this should be met from within current year budgets (in year saving). If Cabinet consider it appropriate to release resources from working balances, the following limits shall apply:

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**Table 4 - Release of funds from working balances**

| Authority | Limit                   |
|-----------|-------------------------|
| Cabinet   | Nil                     |
| Council   | Up to available balance |

### Major Projects Budgets

In the event that the Major Projects Programme total spend is likely to exceed the total amount of available funding within the four year programme, the Head of Finance and Commercial will issue a report to Cabinet. The Head of Finance and Commercial will advise Cabinet if additional resources could be transferred from other uncommitted reserves the Council holds, or whether the projected shortfall should be met from a reduced programme. If Cabinet consider it appropriate to release resources from other uncommitted reserves, the following limits shall apply:

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**Table 5 - Release of funds from Uncommitted Reserves**

| Authority | Limit                   |
|-----------|-------------------------|
| Cabinet   | Nil                     |
| Council   | Up to available balance |

## Bibliography

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Best Value Accounting – Code of Practice 2009 CIPFA (2009)

Building Effective Partnerships: Practical Guidance for Public Services on Working in Partnership CIPFA (1997)

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Competing Demands – Competition in the Public Services CIPFA (1997)

Guidance for Internal Auditors Auditing Practices Board (1990)

People + Pounds + Property = Services. A Guide to the Use of Capital Accounting to Improve Asset Management and Service Performance CIPFA (1998)

Treasury Management in Local Authorities: Code of Practice and Guide for Chief Finance Officers CIPFA (2010<sup>1</sup>)

Code of Practice (draft): International Financial Reporting Standards in Local Government (IFRS)





## **H OFFICER EMPLOYMENT PROCEDURE RULES**

1. **Recruitment and appointment**  
(see Council Procedure Standing Order [298](#))
2. **Recruitment of Head of Paid Service and Chief Officers**  
(see Council Procedure Standing Order [298](#))
3. **Appointment of Head of Paid Service**  
(see Council Procedure Standing Order [298](#))
4. **Appointment of Other Officers**  
(see Council Procedure Standing Order [298](#))
5. **Disciplinary Action and Dismissal**  
(see Council Procedure Standing Order [298](#))

# PUBLIC SPEAKING AT PLANNING COMMITTEE



## Advice Note

The Council gives publicity to planning applications, and anyone can make representations raising whatever issues they feel should be taken into account.

Representations from neighbours and other interested parties are very important in highlighting issues which need to be taken into account when applications are decided.

When the Council considers applications, the views of objectors and supporters are summarised in each report. In addition to this written report, in certain circumstances, the Council provides members of the public, parish/town councils and applicants/agents, the opportunity to speak at meetings of the Planning Committee.

Public speaking is important as those making representations have no subsequent right of appeal should the Council approve a development. It therefore allows an opportunity for a summary of the issues to be made directly to the Committee members before they determine the application before them.

Members will have read the officer report, possibly looked at the information on the website, and often discussed any particular issues with the case officer. Many also attend a site visit the day before the Committee meeting. They therefore come to the meeting to hear an introduction by the presenting officer, the objectors have the opportunity to put a summary of their case to the members in person and in the interests of balance the applicant has an equal opportunity to respond.

This Advice Note tries to answer some of the questions you may have about the scheme of public speaking and what will happen at the Committee meeting.

If you require any further information, please telephone the planning application case officer or a Planning Technician on (01494) 421473.

### 1. Does Public Speaking apply to all applications?

No. The scheme only applies to those applications considered by the Planning Committee which are being recommended for approval and where written objections have been received. **Objections must have been received before the time the Committee Agenda is prepared.** The scheme does not apply to a second or duplicate application where it is substantially the same as the first.

## **2. Are all applications considered by the Planning Committee?**

No. Usually only the more complex or controversial applications are referred to the Planning Committee. You may wish to make your views known to your District Councillor as well as the Planning Department. Councillors names, addresses and email addresses can be obtained from our website: ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)).

## **3. How will I be told if I have an opportunity to speak at the Committee meeting?**

When the planning committee agenda is finalised and we are certain that an application is to go to a particular meeting of the Committee, all objectors entitled to speak (including the parish/town council) will be sent a letter or email which will invite them to register their wish to speak at the meeting. We will also let the applicant or his agent know that public speaking may take place. Invitation letters (or emails) will be sent about a week before the date of the meeting.

## **4. What do I do if I decide I want to speak?**

**You must register your wish to speak by telephoning, or sending an email to ([planning@wycombe.gov.uk](mailto:planning@wycombe.gov.uk)), Miss Georgina Hastings on (01494) 421473. You must let us know at least 48 hours before the meeting starts if you wish to speak at the Committee** (i.e. by 6.00 pm on the Monday before a normal Wednesday meeting). A voice mail service operates outside office hours.

## **5. Can I see the Officer's report before the meeting?**

Yes. The agenda for the meeting and the Officer's report on the application will be available for inspection for at least the 5 working days prior to the meeting. The information can be viewed on the Council's website ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)), or can be made available for inspection at the Council Offices.

## **6. Can any member of the public speak about any application on the agenda?**

No. You cannot speak unless you have been sent, and accepted, an invitation to do so (see 3 & 4).

## **7. For how long may I speak?**

An overall total of 3 minutes is allowed for objections to be made to the Committee on an application. This time limit is for all objectors in total, not 3 minutes each. However, a further 3 minutes is allowed for a representative of the Parish/Town Council where it has objected.

## **8. What if there are a number of objectors wishing to speak on an application?**

Since the overall time limit of 3 minutes is for all objectors in total, not 3 minutes each, objectors will be encouraged and helped to contact each other so that repetition can be avoided.

This means that you may be given the names and telephone numbers of other objectors and that they may be given your details. In many cases, it will be appropriate for a spokesperson to be appointed to represent a group of objectors. The Council will contact

you before the meeting to confirm details of speakers. Where a number of speakers cannot agree on a spokesperson, speakers will be heard in the order of their registering an intention to speak until the total of 3 minutes has elapsed.

In the event an application is identified as EXCEPTIONAL by the Committee Chairman a limit of three minutes per speaker would apply, but the overall time limit for all objectors on the application will be extended to 6 minutes. The period allowed for the applicant to respond would be extended to 6 minutes but the period of 3 minutes for the Parish Council would remain unchanged.

These exceptional arrangements will only apply very occasionally, generally on major applications. You will be advised on the day of the meeting if this is the case.

#### **9. Can someone else speak on my behalf?**

A group of objectors may be represented by a spokesperson as described above. Alternatively, you may ask someone to speak for you or you may use a professional advisor.

#### **10. Can applicants speak to the Committee?**

Where an objector has addressed the Committee, the applicant or their nominated agent will have an opportunity to comment on what has been said by objectors. Applicants will not be allowed to make full presentations of their proposals to the Committee. They will also not be able to speak where objectors have not spoken

**The applicant or his agent will also be limited to 3 minutes (extended to 6 minutes where an application has been identified as EXCEPTIONAL by the Committee Chairman).** The nominated agent is the person identified on the application forms, or as notified to the officers at least 48 hours before the meeting.

#### **11. When and where are the meetings held?**

The Planning Committee meets in the Council Chamber at Queen Victoria Road, High Wycombe. Car parking is available on site after 5.30 pm. Please ring 01494 461000 for information on dates of Planning Committee meetings or see the Council website ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)).

#### **12. Who is on the Planning Committee and who else will be there?**

The Committee is made up of 16 elected Councillors. A number of planning officers and other Council staff are also present to advise the Committee and to make a formal record of the meeting. Other Councillors may be present to speak on applications within their Ward, but are not allowed to vote. Any member of the public, including applicants, can attend to listen to the debate, and the Press is usually present.

Miss Georgina Hastings, or another Council Officer, will be in the Public Gallery at the rear of the Council Chamber to greet speakers and to deal with any queries they may have. If you will be speaking, please make yourself known to them when you arrive.

#### **13. What is the order of business for each meeting?**

The order printed on the agenda for the meeting will normally be followed. Applications where there is the possibility of public speaking will be included as early as possible on the

agenda to ensure waiting time for speakers is kept to a minimum.

#### **14. What is the order of speaking for each application?**

The order of business on each application will be:

- the Chairman will announce the agenda item number.
- the Planning Officer will introduce the application with any relevant updates and show slides of the site.
- the Chairman will call on objectors to speak.
- the Chairman will call on the parish/town council representative to speak.
- the Chairman will call on the applicant or nominated agent to respond to the objector's comments.
- the Chairman will call on any Councillors who are not on the Committee but have come to speak on an application in their ward.
- the Chairman will call on the councillors who were on the Committee site visit to discuss the application.
- the entire Committee will then discuss the application.
- Councillors may seek clarification of particular points from officers regarding the application or on points raised by speakers in the main debate.
- officers will respond to issues and questions raised by Councillors.
- the Committee will then make a decision. This may be;
  - to approve the application
  - to refuse the application
  - to defer consideration.

#### **15. How do I present my objections?**

The Committee may only consider relevant planning issues. Please limit your comments to matters such as:

- **planning policies, including those in our Local Plan (which can be viewed on our website)**
- **appearance and character of development**
- **traffic generation, highway safety and parking**
- **overshadowing, overlooking and loss of privacy**
- **noise disturbance or other loss of amenities**

- **layout and density of buildings.**

Please avoid matters which cannot be considered by the Committee such as;

- **boundary disputes, covenants or other property rights**
- **personal remarks (e.g. the applicant's motives)**
- **reduction in property values**
- **loss of private views over the land.**

Visual aids such as plans or photographs, or the circulation of material at the meeting will not be permitted. You may not ask questions of others at the meeting, nor will Councillors, officers or others ask you questions.

If you would like to check what issues can be taken into account, please contact the application case officer.

#### **16. How will I know how much time I have to speak?**

There is a system of coloured lights (like traffic lights), which will guide you on how much time there is left. Miss Georgina Hastings will explain the system to you before the meeting. The lights indicate:

- **Turns Green – start of 3 minutes.**
- **Turns Amber - 30 seconds to go.**
- **Red – Stop.**

#### **17. What happens if the application is deferred?**

When an item has been deferred and is brought back to a later Planning Committee meeting, objectors will not have an automatic right to speak again. They will however be invited to speak again if the proposal has been amended such that new issues could be raised, but **if you choose to speak again, you should limit your comments to the changes that have been made to the scheme.**

Sometimes, e.g. if amended plans are received, the application will be deferred before the meeting and so no discussion will take place. If you have registered an intention to speak we will let you know as soon as possible that this has happened.

#### **18. Can an application be approved by the Committee if it is recommended for refusal?**

The Committee can disagree with the officer recommendation but if it does so, the application would only be approved where no written objections have been received from the public or parish/town council. Otherwise, the application will be deferred to the next meeting so that objectors will have the opportunity to speak to the Committee to explain their concerns.

#### **19. What happens after the decision is made?**

The applicant/agent will be sent the notice of decision. The decision will also be published on the Council's website ([www.wycombe.gov.uk](http://www.wycombe.gov.uk)).

Where an application has been refused, the applicant can appeal to the Planning Inspectorate (an independent Government Agency). All those who made written comments . The original comments will be forwarded to the Planning Inspectorate

Where an application has been granted, there is no opportunity for objectors to appeal to the Planning Inspectorate, other than by means of a judicial review.

All those who made written comments will be advised of any such appeal and will be asked if they wish to make any further comments. The original comments will be forwarded to the Planning Inspectorate.

Where an application has been granted, there is no opportunity for objectors to appeal to the Planning Inspectorate.

## **20. What should I do if I have any further queries about the scheme of public speaking?**

Send an email to ([planning@wycombe.gov.uk](mailto:planning@wycombe.gov.uk)) , speak to a Planning Technical Officer on (01494) 421473, or the application case officer, whose contact details will be on correspondence from us.

## **PART 4 - MEMBERS' ALLOWANCES SCHEME**

### **File note for Constitution Review 2015/16**

Part 4 of the Council's Constitution is the Members' Allowances Scheme.

This is currently the subject of a review, and Council agreed on 14 December 2015 to set up a sub-committee to further consider certain aspects.

Therefore, the current Scheme at Part 4 is correct although is subject to the above work to be undertaken by the sub-committee.

The sub-committee will begin its work in January 2016 and any proposed changes will be considered by the Regulatory and Appeals Committee in the first instance, and onward to Full Council.



# Part 5

## Codes and Protocols

|   | <b>Page</b>          |
|---|----------------------|
| <u>A. Members' Code of Conduct</u>  | <u>5A-1 to 5A-5</u>  |
| <u>B. Arrangements for dealing with standards allegations under the Localism Act 2011</u>               | <u>5B-1 to 5B-15</u> |
| <u>C. Member / Officer Relationships</u>  | <u>5C-1 to 5C-10</u> |
| <u>D. Members' Planning Code of Good Practice</u>   | <u>5D-1 to 5D-19</u> |
| <u>E. Anti-Fraud and Corruption Policy and Procedure</u>  | <u>5E-1 to 5E-11</u> |
| <u>F. The Public Interest Disclosure Act 1998<br/>'Whistle Blowing' - Confidential Reporting Policy</u> | <u>5F-1 to 5F-4</u>  |
| <u>G. Employees' Code of Conduct</u>  | <u>5G-1 to 5G-6</u>  |
| <u>H. Scheme for the Enrolment of Honorary Aldermen</u>   | <u>5H-1 to 5H-2</u>  |
| <u>I. The Public Sector Equality Duty of the Equalities Act 2010</u>                                    | <u>5I-1</u>          |

## **A. Code of Conduct for Members**

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Wycombe District Council, including:-

### **1. Application**

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Wycombe District Council, including:-

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.4 in discharging your functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

### **2. General Conduct**

You must:-

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 respect others and not bully any person
- 2.3 observe the Council's Member-Officer Relationship Protocol and recognise that officers (other than political assistants) are employed by and serve the whole authority
- 2.4 respect the confidentiality of information which you receive as a member:-
  - 2.4.1 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
  - 2.4.2 not obstructing third parties' legal rights of access to information
- 2.5 not misconduct yourself in a manner which is likely to bring the authority into disrepute
- 2.6 use your position as a member in the public interest and not for personal advantage
- 2.7 accord with the authority's reasonable rules on the use of public resources for private and political purposes
- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons:-
  - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups

- 2.8.2 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
- 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the authority's scrutiny function
- 2.10 ensure that the authority acts within the law.
- 2.11 When dealing in planning matters, observe the Council's Planning Matters Guidance Note

### 3. Disclosable Pecuniary Interests

You must -

- 3.1 Register any disclosable pecuniary interest of yourself or a 'relevant person'<sup>1</sup> (as set out in the Appendix to this Code) with the Monitoring Officer within 28 days of the adoption of this Code
- 3.2 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you, or a 'relevant person' have a disclosable pecuniary interest
- 3.3 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.4 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.5 "Meeting" means any meeting organised by or on behalf of the authority, including:-
  - 3.5.1 any meeting of the Council, or a Committee or Sub-Committee of Council
  - 3.5.2 any meeting of the Cabinet and any Committee of the Cabinet
  - 3.5.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
  - 3.5.4 at any briefing by officers; and
  - 3.5.5 at any site visit to do with business of the authority

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<sup>1</sup>'relevant person' means:

- (i) your spouse or civil partner; or
  - (ii) a person with whom you are living as husband and wife; or
  - (iii) a person with whom you are living as if you are civil partners; and
- You are aware that that other person has the interest

## **4. Other Interests**

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent and otherwise act, similarly to in circumstances covered by 3.2 above, as if the interest had been a Disclosable Pecuniary Interest (unless you have been granted a Dispensation under Section 33 of the Localism Act 2011).
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where:-
- 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or any person, body or organisation with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association and that interest is not a disclosable pecuniary interest.

## **5. Gifts and Hospitality**

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

## **6. Compliance with the Code of Conduct**

- 6.1 Though it is no longer compulsory under the law for Members to declare that they will agree to abide by the Code of Conduct which is for the time being in force, Wycombe District Council has nonetheless resolved (14 December 2015) that it expects and encourages all of its Members to do so, and will publish a list of Members who have voluntarily agreed to do so. Accordingly, Members who are willing to so declare should ensure that they have confirmed their agreement within their own modern.gov online profile which forms part of the Council website.

## APPENDIX 1

### Disclosable Pecuniary Interests

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

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows:-

| <b>Interest</b>                                   | <b>Prescribed description</b>  |
|---|--|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain.   |
| Sponsorship                                       | <p>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.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).</p> |
| Contracts   | <p>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:-</p> <ul style="list-style-type: none"><li>(a) under which goods or services are to be provided or works are to be executed; and</li><li>(b) which has not been fully discharged.</li></ul>   |
| 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                               | <p>Any tenancy where (to M's knowledge):-</p> <ul style="list-style-type: none"><li>(a) the landlord is the relevant authority; and</li><li>(b) the tenant is a body in which the relevant person has a beneficial interest.</li></ul>   |
| Securities  | <p>Any beneficial interest in securities of a body where:-</p> <ul style="list-style-type: none"><li>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</li><li>(b) either:-<ul style="list-style-type: none"><li>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</li></ul></li></ul>       |

- (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:-

“the Act” means the Localism Act 2011;

“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.

## APPENDIX 2

On 14 December 2015 the Council resolved to include within the Code information about the criminal offence and sanctions which the law provides for breaches of the Code centred upon declarations of interests.

Sections 30 – 34 of the Localism Act 2011 are reproduced below. Particular attention is drawn to Section 34 (1) – (4).

### **30 Disclosure of pecuniary interests on taking office**

- (1) A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.
- (2) Where a person becomes a member or co-opted member of a relevant authority as a result of re-election or re-appointment, subsection (1) applies only as regards disclosable pecuniary interests not entered in the authority's register when the notification is given.
- (3) For the purposes of this Chapter, a pecuniary interest is a "*disclosable pecuniary interest*" in relation to a person ("M") if it is of a description specified in regulations made by the Secretary of State and either—
  - (a) it is an interest of M's, or
  - (b) it is an interest of—
    - (i) M's spouse or civil partner,
    - (ii) a person with whom M is living as husband and wife, or
    - (iii) a person with whom M is living as if they were civil partners,and M is aware that that other person has the interest.
- (4) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (1), the authority's monitoring officer is to cause the interests notified to be entered in the authority's register (whether or not they are disclosable pecuniary interests).

### **31 Pecuniary interests in matters considered at meetings or by a single member**

- (1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—
  - (a) is present at a meeting of the authority or of any committee, subcommittee, joint committee or joint sub-committee of the authority,
  - (b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and
  - (c) is aware that the condition in paragraph (b) is met.
- (2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).
- (3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's

monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

- (4) The member or co-opted member may not—
  - (a) participate, or participate further, in any discussion of the matter at the meeting, or
  - (b) participate in any vote, or further vote, taken on the matter at the meeting, but this is subject to section 33.
- (5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.
- (6) Subsections (7) and (8) apply if—
  - (a) a function of a relevant authority may be discharged by a member of the authority acting alone,
  - (b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and
  - (c) the member is aware that the condition in paragraph (b) is met.
- (7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.
- (8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).
- (9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).
- (10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.
- (11) For the purpose of this section, an interest is “subject to a pending notification” if—
  - (a) under this section or section 30, the interest has been notified to a relevant authority's monitoring officer, but
  - (b) has not been entered in the authority's register in consequence of that notification.

## **32 Sensitive interests**

- (1) Subsections (2) and (3) apply where—
  - (a) a member or co-opted member of a relevant authority has an interest (whether or not a disclosable pecuniary interest), and



- (b) the nature of the interest is such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.
- (2) If the interest is entered in the authority'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 or co-opted member has an interest the details of which are withheld under this subsection).
- (3) If section 31(2) applies in relation to the interest, that provision is to be read as requiring the member or co-opted member to disclose not the interest but merely the fact that the member or co-opted member has a disclosable pecuniary interest in the matter concerned.

### **33 Dispensations from section 31(4)**

- (1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.
- (2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—
  - (a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,
  - (b) considers that without the dispensation 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 relating to the business,
  - (c) considers that granting the dispensation is in the interests of persons living in the authority's area,
  - (d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or
  - (e) considers that it is otherwise appropriate to grant a dispensation.
- (3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.
- (4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

### **34 Offences**

- (1) A person commits an offence if, without reasonable excuse, the person—
  - (a) fails to comply with an obligation imposed on the person by section 30(1) or 31(2), (3) or (7),
  - (b) participates in any discussion or vote in contravention of section 31(4), or

- (c) takes any steps in contravention of section 31(8).
- (2) A person commits an offence if under section 30(1) or 31(2), (3) or (7) the person provides information that is false or misleading and the person—
  - (a) knows that the information is false or misleading, or
  - (b) is reckless as to whether the information is true and not misleading.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.
- (5) A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.
- (6) Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.
- (7) But no such proceedings may be brought more than three years—
  - (a) after the commission of the offence, or
  - (b) in the case of a continuous contravention, after the last date on which the offence was committed.
- (8) A certificate signed by the prosecutor and stating the date on which such evidence came to the prosecutor's knowledge is conclusive evidence of that fact; and a certificate to that effect and purporting to be so signed is to be treated as being so signed unless the contrary is proved.
- (9) The Local Government Act 1972 is amended as follows.
- (10) In section 86(1)(b) (authority to declare vacancy where member becomes disqualified otherwise than in certain cases) after “2000” insert “or section 34 of the Localism Act 2011”.
- (11) In section 87(1)(ee) (date of casual vacancies)—
  - (a) after “2000” insert “or section 34 of the Localism Act 2011 or”, and
  - (b) after “decision” insert “or order”.
- (12) The Greater London Authority Act 1999 is amended as follows.
- (13) In each of sections 7(b) and 14(b) (Authority to declare vacancy where Assembly member or Mayor becomes disqualified otherwise than in certain cases) after subparagraph (i) insert—
  - “(ia) under section 34 of the Localism Act 2011,”.
- (14) In section 9(1)(f) (date of casual vacancies)—
  - (a) before “or by virtue of” insert “or section 34 of the Localism Act 2011”, and
  - (b) after “that Act” insert “of 1998 or that section”.

## **B. Arrangements for Dealing with Standards allegations under the Localism Act 2011**

### **1. Context**

These Arrangements set out how you may make a complaint that an elected or co-opted member of this Council (or of a Parish Council within its area) has failed to comply with the Council's Code of Conduct, and sets out how the Council will deal with allegations of a failure to comply with the Code.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place "arrangements" under which allegations that a member or co-opted member of the Council (or of a Parish Council within its area), or of a Committee or Sub-Committee of the Council, has failed to comply with the Council's Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the Council to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member (or a member or co-opted member of a Parish Council) against whom an allegation as been made.

### **2. The Code of Conduct**

The Council has adopted a Code of Conduct for members, which is available for inspection on the authority's website and on request from Reception or the Complaints Officer at the Council Offices.

Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council's Code of Conduct, you should ask the parish clerk to provide you with a copy of that Parish's Code of Conduct, or make arrangements to inspect it.

### **3. Making a complaint**

If you wish to make a complaint, please write to:

Complaints Officer  
Wycombe District Council  
Queen Victoria Road  
High Wycombe  
Bucks HP11 1BB

Or email: [complaints@wycombe.gov.uk](mailto:complaints@wycombe.gov.uk), heading your email "Complaint about Councillor(s)"

The Monitoring Officer has statutory responsibility for maintaining the register of members' interests and is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, and is available on request from the Complaints Officer at the Council Offices, as well as the Code of Conduct for the relevant Council.

Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress.

If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

We will acknowledge receipt of your complaint within seven working days of receiving it, and we will keep you informed of the progress of your complaint. Not every complaint that falls under the Code will be referred for investigation. A decision will be made using the referral criteria below.

Complaints should be summarised as much as possible. Any complaints over 20 pages in length may require an extended period of time for consideration by the Monitoring Officer.

#### **4. What happens next?**

In certain straightforward circumstances, the Monitoring Officer is entitled to dismiss your complaint at the outset. This will happen if:

- (a) the person you are complaining about is no longer a councillor;
- (b) the conduct you are complaining about happened more than 6 months before you complained;
- (c) the conduct you are complaining about happened in the councillor's private life, not when they were acting as a councillor;
- (d) the complaint is essentially against the action of the council as a whole and cannot properly be directed against individual member(s);
- (e) the complaint is made anonymously;
- (f) there is no prima facie evidence that the Code has been breached or there is not enough information to take the matter further;
- (g) the same, or substantially the same issue has been the subject of a previous Code of Conduct allegation and there is nothing further to be gained.

If your complaint is not dismissed for any of these reasons, it 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 concisely, clearly and provide at the outset all the information you wish to be considered. The information provided should only be relevant to the alleged breaches of the Code, as the Monitoring Officer cannot consider any other subject of complaint. Please identify clearly the paragraphs of the Code you believe may have been breached by the councillor(s) and under each one provide the reason why you believe it has been breached.

#### **5. 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 of the form requesting confidentiality.

The Member will be invited to respond within 20 working days, including in his or her response any suggestion to resolve the complaint.

This response will be made available to you and you will be asked if you are satisfied with it, or whether you wish your complaint to be considered further under Stage Two. If you are satisfied with the response, no further action will be taken, or the action proposed by the Member will proceed.

## **6. Stage Two**

Your complaint will then be considered by the Council's Monitoring Officer in consultation with a duly appointed Independent Person whose views will be taken into account. The Monitoring Officer will decide whether your complaint should be referred for investigation. This will normally happen within 20 working days of the date of the commencement of Stage Two.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

### **Referral Criteria**

Whilst each allegation will be considered on its individual merits, the following Referral Criteria will be considered in taking the decision either to accept a complaint for investigation or to take no further action:

- the public benefit in investigating the alleged complaint
- taking into account the nature of the allegation, whether using public funds to examine the matter further would be disproportionate
- whether the information submitted is sufficient to make a decision as to whether to refer for investigation
- whether the complaint is the same or substantially the same as a previous complaint and in that case, whether there is anything further to be gained
- whether the complaint involves conduct too trivial to warrant further action
- whether the complaint is essentially against the action of the Council as a whole and cannot properly be directed against an individual member
- whether the complaint appears to be vexatious, malicious, politically motivated or a 'tit for tat' retaliation or made by a persistent complainant
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered
- whether any steps have been taken or proposed to remedy the action complained of, for example, an apology has already been made by the member concerned
- the complainant's view of the action taken or proposed.
- where the member or the authority has made a reasonable offer of local resolution, but the complainant is not willing to accept that offer, this may be taken into account in deciding whether the complaint merits formal investigation

- whether the complainant has requested that their identity as complainant be withheld from the member, and the matter cannot reasonably be taken further in these circumstances

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

After the decision is made by the Monitoring Officer in consultation with an Independent Person, and the parties have been informed, the Monitoring Officer may inform the Chairman and Vice Chairman of the Standards Committee of the existence of the complaint, the parties, and the decision.

## **7. Stage Three**

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where the Monitoring Officer and Independent Person consider it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer may delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

### **7.1 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned (and to the Parish Council, where your complaint relates to a Parish Councillor), notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

## **7.2 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

### **(a) Local Resolution**

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee (and the Parish Council) for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

### **(b) Local Hearing**

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as an Appendix to these arrangements.

The Monitoring Officer will conduct a pre-hearing process, requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chairman of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will

consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

### **7.3 What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may take the following actions, as it considers appropriate:

#### **District Councillor:**

- 7.3.1 Censure or reprimand the member;
- 7.3.2 Publish its findings in respect of the member's conduct;
- 7.3.3 Report its findings to Council for information;
- 7.3.4 Recommend to the member's Group Leader (or in the case of independent members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 7.3.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 7.3.6 Recommend to Council that the member be replaced as Executive Leader;
- 7.3.7 Instruct the Monitoring Officer to arrange training for the member;
- 7.3.8 Remove from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 7.3.9 Withdraw facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 7.3.10 Exclude the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

#### **Parish Councillor:**

- 7.3.11 Censure or reprimand the member;
- 7.3.12 Publish its findings in respect of the member's conduct;
- 7.3.13 Report its findings to the Parish Council for information;
- 7.3.14 Recommend that the Parish Council arranges training for the member;
- 7.3.15 Recommend to the Parish Council that the member be removed from all outside appointments to which he/she has been appointed or nominated by the authority or by the Parish Council;
- 7.3.16 Recommend to the Parish Council that it withdraws facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 7.3.17 Recommend that the Parish Council excludes the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.



The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' basic or special responsibility allowances.

#### **7.4 What happens at the end of the hearing?**

At the end of the hearing, the Chairman will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to you, to the member (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

#### **8. Who are the Hearings Panel?**

The Hearings Panel is a sub-committee of the Council's Standards Committee. The Standards Committee has decided that it will comprise a maximum of five members of the Committee, including not more than one member of the authority's Executive and comprising members drawn from at least two different political parties.

The Independent Person is invited to attend all meetings of the Hearings Panel and his or her views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

#### **9. Who is the Independent Person?**

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be "independent" if he/she:

- 9.1 Is, or has been within the past five years, a member, co-opted member or officer of the authority, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons for the period up to 1st July 2013;
- 9.2 Is or has been within the past five years, a member, co-opted member or officer of a parish council within the authority's area, or
- 9.3 Is a relative, or close friend, of a person within paragraph 9.1 or 9.2 above. For this purpose, "relative" means:
  - 9.3.1 Spouse or civil partner;
  - 9.3.2 Living with the other person as husband and wife or as if they were civil partners;
  - 9.3.3 Grandparent of the other person;
  - 9.3.4 A lineal descendant of a grandparent of the other person;
  - 9.3.5 A parent, sibling or child of a person within paragraphs 9.3.1 or 9.3.2;
  - 9.3.6 A spouse or civil partner of a person within paragraphs 9.3.3, 9.3.4 or 9.3.5; or

9.3.7 Living with a person within paragraphs 9.3.3, 9.3.4 or 9.3.5 as husband and wife or as if they were civil partners.

#### **10. Revision of these arrangements**

The Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

#### **11. Can I withdraw my complaint?**

Complaints can be withdrawn by the complainant by agreement with Monitoring Officer at any stage in the process.

#### **12 Appeals**

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman. Decisions which have been properly made according to the Council's procedure will not be overturned unless the decision making process was faulty. Please note that with regard to actions taken by this Council in respect of alleged breaches of the Code of Conduct, the Ombudsman can only consider complaints made by members of the public or those made on their behalf - this does not include complaints made by town, parish or district councillors.

### **Appendix                      Procedure for Local Standards Hearings**

## **APPENDIX**

### **PROCEDURE FOR LOCAL STANDARDS HEARINGS**

#### **1. Interpretation**

- (a) "Councillor" means the member of the authority who is the subject of the allegation being considered by the Panel, unless stated otherwise. It also includes the Councillor's nominated representative.
- (b) "Investigating Officer" means the person appointed by the Monitoring Officer to undertake the investigation (which may include the Monitoring Officer and his or her nominated representative).
- (c) "The matter" is the subject matter of the Investigating Officer's report.
- (d) "The Panel" means the Local Standards Hearing Panel which is a Sub Committee of the Council's Standards Committee to which the Standards Committee has delegated the conduct of the hearing.
- (e) "The Committee Support Officer" means an officer of the authority responsible for supporting the Panel's discharge of its functions and recording the decisions of the Panel.
- (f) "Legal Advisor" means the officer responsible for providing legal advice to the Panel. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.
- (g) "The Chairman" refers to the person presiding at the hearing.
- (h) "The Independent Person" is the person appointed by the Council under Section 28 of the Localism Act 2012, who is invited to attend all meetings of the Hearings Panel and whose views are to be sought, and taken into account, by the Panel before a decision is made on whether the member's conduct amounts to a failure to comply with the Code of Conduct and as to any action to be taken.

#### **2. Modification of Procedure**

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness, or expediency in circumstances where fairness is not compromised.

#### **3. Representation**

The Councillor may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Standards Committee, another person.

#### **4. Pre-Hearing Process (Local Investigation)**

Where the Monitoring Officer has considered the Investigating Officer's report and decided to refer the report to the Hearings Panel the Monitoring Officer shall:

- (a) Arrange a date for the Panel hearing;
- (b) Send a copy of the report to the Councillor, advise the Councillor of his decision to refer the report to the Hearings Panel, and advise the Councillor of the date, time and place for the hearing;
- (c) Send a copy of the report to the Complainant, advise the Complainant of his decision to refer the report to the Hearings Panel, and of the date, time and place for the hearing;

- (d) Notify the Parish or Town Council (as appropriate) of the Panel's initial decision and of the date, time and place of the hearing;
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Panel will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and high-lighting the issues which the Panel will need to address, and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
  - (i) All members of the Panel who will conduct the hearing;
  - (ii) The Councillor;
  - (iii) The Complainant and
  - (iv) The Investigating Officer.

Where reasonably practicable, the agenda, Pre-Hearing Summary Report and other documents referred to above will be sent to those persons at least 14 days in advance of the hearing date. Failing this 5 clear days' notice will be given as provided by Access to Information Legislation unless the matter is genuinely urgent and permitted to be notified later under the relevant legislation.

## 5. **Legal Advice**

The Panel may take advice from its legal advisor at any time during the hearing or while they are deliberating on any aspect of the outcome. The substance of any legal advice given to the Panel should be shared with the member and the Investigating Officer if they are present, whether that advice is given in the hearing room or the separate room where the Panel are deliberating on any aspect of the outcome.

## 6. **Setting the Scene**

At the start of the hearing, the Chairman shall introduce each of the members of the Panel, the Councillor (if present), the Investigating Officer (if present), the Independent Person and any other officers present, and shall then explain the procedure which the Panel will follow in the conduct of the hearing.

## 7. **Preliminary Procedural issues**

The Panel shall then deal with the following preliminary' procedural matters in the following order:

### (a) **Disclosures of interest**

The Chairman shall ask members of the Panel to disclose the existence and nature of any disclosable pecuniary interests which they have in the matter, and to withdraw from consideration of the matter if so required.

### (b) **Quorum**

The Chairman shall confirm that the Panel is quorate (3 members).

(c) **Hearing procedure**

The Chairman shall confirm that all present know the procedure which the Panel will follow in determining the matter.

(d) **Proceeding in the absence of the member**

If the Councillor is not present at the start of the hearing:

- (i) The Chairman shall ask the Monitoring Officer whether the Councillor has indicated his/her intention not to attend the hearing;
- (ii) The Panel shall then consider any reasons which the Councillor has provided for not attending the hearing. If the Panel is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iii) If the Panel is not satisfied with such reasons, or if the Councillor has not given any such reasons, the Panel shall decide whether to consider the matter and make a determination in the absence of the Councillor or to adjourn the hearing to another date. If the Panel decides to proceed in the absence of the Councillor, references in subsequent paragraphs of this Procedure to the Councillor's participation in the hearing shall be construed accordingly.

(e) **Exclusion of Press and Public**

The Panel may exclude the press and public from its consideration of this matter where it appears likely that confidential or exempt information will be disclosed in the course of this consideration.

The Chairman shall ask the Councillor (if present) the Investigating Officer (if present) and the legal adviser to the Panel whether they wish to ask the Panel to exclude the Press and public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Panel shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Panel does not resolve to exclude the press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

**8. A failure to comply with the Code of Conduct?**

The Panel will then address the issue of whether the Councillor failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.

- (a) The Chairman shall ask the Councillor to confirm that he/she maintains the position as set out in the Pre-Hearing summary report.

(b) **The Pre-Hearing Summary Report**

The Chairman will ask the legal advisor to present his/her report, highlighting any points of difference in respect of which the Councillor has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Councillor to confirm that this is an accurate summary of the issues and ask the Councillor to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Councillor admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the

Panel may then make a determination that the Councillor has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken (Paragraph 11).

- (ii) If the Councillor identifies additional points of difference, the Chairman shall ask the Councillor to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Panel is not satisfied with the Councillor's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Councillor to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Councillor did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

**(c) Presenting the Investigating Officer's report**

- (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Councillor and why he/she concluded, on the basis of his/her findings of fact that the Councillor had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
- (ii) If the Investigating Officer is not present, the Panel shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Panel shall determine on the advice of the Monitoring Officer which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Councillor if there are any matters upon which the Panel should seek the advice of the Investigating Officer or the witness.

**(d) The Councillor's response**

- (i) The Chairman shall then invite the Councillor to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Councillor's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Panel should seek the advice of the Councillor or the witness.

(e) **Witnesses**

- (i) The Panel shall be entitled to refuse to hear evidence from the Investigating Officer, the Councillor or a witness unless they are satisfied that such persons are likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the Code of Conduct.
- (ii) Any member of the Panel may address questions to the Investigating Officer, to the Councillor or to any witness.

(e) **Additional Evidence**

At the conclusion of the evidence, the Chairman shall check with the members of the Panel that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- (g) If the Panel at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Panel may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Panel.
- (h) Determination as to whether there has been a failure to comply with the Code of Conduct.
  - (i) At the conclusion of the Councillor's response, the Chairman shall ensure that each member of the Panel is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the Code of Conduct as set out in the Investigating Officer's report.
  - (ii) The Panel shall then retire to another room to consider in private whether the Councillor did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
  - (iii) The Panel shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
  - (iv) Before taking its decision as to whether there has been a failure to comply with the Code of Conduct, the Panel will seek and take into consideration the views of the Independent Person.
  - (iv) The Panel's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Councillor or a witness, or to seek advice from the Legal Officer and subject to paragraph 5, it may seek such advice whilst in the retirement room. If it requires any further information, it may adjourn and instruct an officer or request the Councillor to produce such further evidence to the Panel.
  - (v) At the conclusion of the Panel's consideration, the Panel shall consider whether it is minded to make any recommendations to the authority concerned with a view to promoting high standards of conduct among councillors.

- (vi) The Panel shall then return to the main hearing room and the Chairman will state the Panel's principal findings of fact and their determination as to whether the Councillor failed to comply with the Code of Conduct as set out in the Investigating Officer's report.

**9. If the Councillor has not failed to follow the Code of Conduct**

If the Panel determines that the Councillor has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) If the Panel apprehends, from the evidence which they have received during the hearing, that a Councillor has failed to comply with the Code of Conduct (other than the matter which the Panel has just determined), the Chairman shall outline Panel's concerns and state that the Panel has referred this additional or alternative failure to the Monitoring Officer for further consideration.
- (b) The Chairman should then set out any recommendations which the Panel is minded to make to the relevant authority with a view to promoting high standards of conduct among councillors and seek the views of the Councillor, the Investigating Officer and the Legal Advisor before the Panel finalises any such recommendations.
- (c) Finally, the Chairman should ask the Councillor whether or not he/she wishes the authority to publish a statement of its finding.

**10. Action consequent upon a failure to comply with the Code of Conduct**

- (a) The Chairman shall ask the Investigating Officer (if present, or otherwise the Legal Advisor) whether, in his/her opinion, the Councillor's failure to comply with the Code of Conduct is such that the Panel should take action if so, what would be the appropriate action that should be taken.
- (b) The Chairman will then ask the Councillor to respond to the Investigating Officer's advice.
- (c) The Chairman will then ensure that each member of the Panel is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to what action should be taken.
- (d) Any member of the Panel may address questions to the Investigating Officer or to the Councillor as necessary to enable him/her to take such an informed decision.
- (e) The Chairman should then set out any recommendations which the Panel is minded to make to the authority with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the Legal Advisor;
- (f) The Panel will then retire to another room to consider in private whether action should be taken and if so, what action should be taken and when that action should take effect; and any recommendations which the Panel will make to the relevant authority.
- (g) The Panel will consult the Independent Person before deciding whether action should be taken and (where action is to be taken) the nature of that action.



- (h) At the completion of their consideration, the Panel will return to the main hearing room and the Chairman shall state the Panel's decisions as to whether action should be taken and (where action is to be taken) the nature of that action, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Panel will make to the relevant authority.

**11. The close of the hearing**

- (a) The Panel will announce its decision on the day of the hearing and provide the Committee Support Officer with a short written statement of their decision, which the Committee Support Officer will deliver to the Councillor as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Support Officer will agree a formal written notice of the Panel's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice, or a summary of that notice.

## **C. Member / Officer Relationships**

### **WYCOMBE DISTRICT COUNCIL MEMBER AND OFFICER RELATIONS PROTOCOL**

#### **1. INTRODUCTION**

This Local Protocol aims to

- clearly describe the respective roles of Elected Members and Council Officers
- help all those concerned to understand the relationship between Members and Officers
- offer a guidance framework on the issues which most commonly arise

This Protocol takes into account the views and recommendations expressed by the Nolan Committee and reflects the principles underlying the separate Codes of Conduct which apply to Members and Officers to which it is closely linked. It should be read in association with these Codes and the Council's Standing Orders, and other guidance such as the Guidance Note on Planning Matters. The Protocol is intended to establish clear local standards and procedures which Members and Officers can agree and adhere to. All Members and Officers have been circulated with a copy, and a copy is available on the Council's website.

#### **2. MEMBERS AND OFFICERS RESPECTIVE ROLES**

##### **Members Role**

Members:

- are elected democratically
- set the corporate strategy and policy framework
- develop policy proposals with professional advice from officers
- determine which policy options are to be adopted
- monitor the implementation and effect of their decisions
- represent the local community
- process constituents' enquiries and complaints
- represent the Council

##### **Officers Role**

Officers:

- manage the implementation of policy
- make proposals within the overall framework set by Members
- give professional advice
- manage the organisation
- take action under delegated powers
- act impartially

They must therefore:

- serve all Members, not just those of the majority political group
- avoid close personal familiarity with Members
- be polite in their dealings with Members
- deal with Member enquiries efficiently
- report to their line manager or Head of Service any Member pressure to deal with a matter outside of Council procedure or policy - or in such a way as to give rise to unlawfulness
- maintain confidentiality where it is proper for them to do so
- perform their duties effectively and efficiently
- behave in a professional manner
- be helpful and respectful to Members

Officers must not:

- allow their own personal or political opinions to interfere with their work
- seek to influence Members prior to any appointment
- raise personal matters to do with their jobs directly with Members
- make claims or allegations about other employees directly to Members
- improperly disclose information received from an elected Member

### **Serving all Members of the Council**

Officers serve the Council (where appropriate) through its Cabinet, Committees and Sub-Committees. They work to the instruction of their Corporate Director, Head of Service or line manager - not individual Members of the Council, whatever office a Member might hold.

### **Confidentiality**

Although Officers will not improperly disclose information received from a Member, Officers cannot conceal, nor treat as confidential, information which it is proper for them to disclose (they may even have a duty to disclose it). An Officer will tell an elected Member when he or she is unable to respect any wish the Member may have to keep a matter confidential and the reasons why.

## **3. PERSONAL RELATIONSHIPS**

The Council recognises that there may be close social or personal relationships between Members and Officers that commenced before a Member was elected to the Council or before a person was employed by the Council. In a large organisation this may be inevitable.

The Member must declare to the Chief Executive or Monitoring Officer and their Group Leader any relationship with an Officer that might be seen as influencing their work as a Member. An Officer should notify their Head of Service. This includes any family relationships. It is the individual's responsibility to see that any such notification is entered as a declaration in the corporate Registers of Member and Officer

interests. In order to maintain the integrity of the individuals concerned and the Council such relationships should never be hidden. To do so can lead to suspicion and mistrust.

Standing Orders deal with candidates for employment with the Council who are related to Council Members as does the Code of Conduct for employees.

Members must not sit on the Appointments Panel responsible for employing anyone to whom they are:

- married
- the partner
- otherwise closely related

The Group Leaders and Directors will endeavour to ensure that neither the Member nor the Officer is placed in a position where such relationship between the two will be seen to conflict with the provisions of this Code.

#### **4. CONDUCT AT MEETINGS AND SOCIAL EVENTS**

Officers and Members should address each other formally both in correspondence and at meetings of committees, subcommittees and other formal meetings which both attend.

Officers should refer to Members by the office they hold, e.g. Leader of... Chairman of, or Councillor... according to the individual Member's preference.

Members should avoid excessive informality at meetings and refer to Officers either by their job title, e.g. Chief Executive, Director of... or by their surname and the title Mr, Mrs, Miss or Ms, as appropriate.

The same degree of formality is not required at informal meetings or social events that Members and Officers may attend. Nonetheless, Members and Officers attending an event should avoid close personal familiarity or any action that would embarrass others or damage their relationship with other Officers or Members.

At official civic events Members and Officers should dress and behave in a manner in keeping with the occasion and their position.

Members and Officers should not criticise or undermine respect for the other in any public meeting or forum. This would damage effective working relationships and the public image of the Council.

Members should not raise matters relating to the conduct or capability of an individual Council Officer or of Officers collectively at meetings held in public. This is a long-standing tradition in public service, as Officers have no means of responding to such criticisms in public.

#### **5. CONSTRUCTIVE CRITICISM/COMPLAINTS**

It is important that any dealings between Members and Officers should observe reasonable standards of courtesy and that neither party should seek to take unfair advantage of their position.

If Members feel that they have not been treated with proper respect, courtesy or have any concern about the conduct or capability of a Council Officer or group of Officers they should raise the matter with the appropriate Head of Service or Corporate Director.

If the Member is not satisfied that action has been taken within a reasonable period, they should raise the matter with the Chief Executive who will look into the matter afresh.

Where an Officer feels that they have not been properly treated with respect and courtesy or is concerned about any action or statement relating to her/himself or a colleague by a Member they should raise the matter with their line manager, Head of Service or Corporate Director as appropriate. If necessary, the matter will be referred to the Chief Executive to consider if it should be raised with the appropriate Group Leader.

## **6. CONTACT BETWEEN MEMBERS AND OFFICERS**

Contact between Members and Officers should normally be at a senior level since junior officers might feel unduly pressurised to comply with requests from Members and this can disrupt work programmes already agreed.

Members have the right to contact directly the Chief Executive, Chief Officers and senior staff whenever they feel it necessary to do so. For routine matters, such as giving apologies for absence from meetings, it is quite in order for Members to contact more junior staff directly, as it is where special formal arrangements are in place for that work area, e.g. planning applications. Any other matters should be referred to Service Managers, Heads of Service or Corporate Directors including any occasion when a Member feels that the action being taken is wrong or is not being pursued with sufficient vigour.

Members are elected to represent the interests of their constituents, but they should not seek special treatment for any individual. When dealing with Officers, they must therefore declare any special relationships they have with the constituents concerned.

Members should not put pressure on an Officer and avoid bringing undue influence to bear on matters that have been delegated for Officer decision. This might lead Officers to make decisions that:

- are not objective and cannot be accounted for
- favour unfairly one member of the public over another
- go against procedure or policy or a legal requirement
- are a breach of the code of conduct for employees
- are in conflict with Standing Orders or Financial Regulations
- are capable of being interpreted as arising from intimidation or bullying

Officers have a duty to report to their Head of Service or Corporate Director any attempt to exert improper influence who in turn will refer the matter to the Chief Executive or Monitoring Officer.

Members and officers should respect each other's free (i.e. non-Council) time.

## **7. CHAIRMEN AND SENIOR OFFICERS**

It is clearly important that there should be a close working relationship between the Chairman of a Committee (or Cabinet Leader) Cabinet Members and the Chief Executive, Corporate Director and other senior officers of any services which have the relevant reporting line. However, such relationships should never be allowed to become so close, or appear to be so close, as to bring into question the Officers' ability to deal with other Members and other Party Groups.

Whilst the Cabinet Leader or Cabinet Members or Chairman of a Committee (or Sub-Committee) will routinely be consulted as part of the process of drawing up the agenda for a forthcoming meeting, it must be recognised that in some situations Officers will be under a duty to submit a report on a particular matter. Similarly, the named author will always be fully responsible for the contents of any report submitted in his or her name.

This means that any such report will be amended only where the amendment reflects the professional judgment of the author of the report. Any issues arising between a Member and a Lead Officer in this area should be referred to the Chief Executive for resolution in conjunction with the Leader of the Council.

At some meetings, a resolution may be passed which authorises named Officers to take action between meetings in consultation with a Member. It must be recognised that it is the Officer who takes the action in these circumstances and it is the Officer who is accountable for it.

It must be remembered that Officers within a service are accountable to their line manager. Whilst Officers should always seek to assist a Member they must not, in so doing, go beyond the bounds of whatever authority they have been given. Members should not put Officers in a position where there would be conflict between themselves and their line manager, Head of Service or Corporate Director.

## **8. POLITICAL NEUTRALITY OF OFFICERS**

Employees serve the authority as a whole. They must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of the councillors are respected.

### **Officer Advice to Party Groups**

It is common practice for political groups to give preliminary consideration to matters of Council business in advance of such matters being considered by the relevant decision making body. Senior Officers may properly be called upon from time to time to support and contribute to such deliberations by political groups but must at all times maintain political neutrality. All Officers must, in their dealings with political groups and individual Members, treat them in a fair and even-handed manner.

The support provided by Officers can take many forms, ranging from a briefing meeting to a formal meeting to a presentation to a full political group meeting. Whilst in practice such Officer support is likely to be in most demand from whichever political group is for the time being in control of the Council, steps should be taken to ensure that such support is available equally to all political groups.

Certain ground rules must, however be followed:

- Requests for Officers to attend any political group meeting must be made through the appropriate Corporate Director. The Corporate Director will advise the Chief Executive of any requests made
- Officer support must not extend beyond providing information and advice in relation to matters of Council business
- Officers must not be involved in advising on matters of party business
- Political group meetings are not empowered to make decisions on behalf of the Council

- Conclusions reached at group meetings do not rank as Council decisions and it is essential that they are not interpreted or acted upon as such
- Any request for advice, together with the advice given to a political group or Member will be treated with strict confidentiality by the Officers concerned and will not be available to any other political group. Factual information upon which any advice is based will, if requested, be available to all political groups
- It must not be assumed by any political group or Member that any Officer is supportive of any policy or strategy developed because of that Officer's assistance in the formulation of that policy or strategy
- Officers must respect the confidentiality of any political group discussions at which they are present and must not impart the content of any such discussion to another political group
- Unless otherwise agreed in advance with the Chief Executive, Officers will not attend political group meetings that include persons who are not Members of the Council. Where exceptionally, attendance in these circumstances has been agreed by the Chief Executive special care will need to be exercised by the Officers involved in providing information and advice as persons who are not elected Members are not bound by the Code of Local Government Conduct (in particular, the provisions concerning the declaration of interests and confidentiality). Officers may not therefore be able to provide the same level of information and advice as they would to a Members-only meeting
- Any particular cases of difficulty or uncertainty in this area must be raised with the Chief Executive who will discuss them with the relevant Group Leader(s).

## **9. MEMBERS' ACCESS TO INFORMATION AND TO COUNCIL DOCUMENTS**

Where a Member has a personal interest in a matter, the Member will only be entitled to the same access to documents as would be the case for a member of the public, i.e. to see the reports, minutes and background papers relating to the public part of any agenda.

In these circumstances the Member must make it clear to the Officer that he/she is acting on his/her own behalf and not acting as a Member. Members should take note of Standing Order 24.4 that bars any Member from inspecting or calling for copies of documents relating to matters in which they have a personal and prejudicial interest.

### **Requests for information and research**

Members are welcome to approach any Officer to request information and advice which they may reasonably need in order to assist them in discharging their role as Members of the Council or any particular role (e.g. Councillor Representative) to which they have been appointed by the Council. This can range from a request for general information or research about some issue to a request for specific information on behalf of a constituent. Such approaches should normally be made through the appropriate Head of Service. In cases of doubt, the appropriate Corporate Director, the Head of Democratic, Legal and Policy Services or the District Solicitor should be asked for assistance.

Requests for information not readily accessible will not be acceded to where the cost of providing the information is unreasonably high or would unreasonably disrupt the work of the Council. Members may be asked to submit a written request explaining the full nature of their request and their perceived "need to know".

## Access to Documents

The legal rights of Members to inspect Council documents are covered partly by statute, partly by the common law and partly by Standing Orders.

Members have a statutory right to inspect any document in the possession of the Council that contains material relating to any business that is to be transacted at a Council, Committee or Sub-Committee meeting. This right applies irrespective of whether the Member is a member of the Committee or Sub-Committee concerned and extends not only to reports that are to be submitted to the meeting, but also to any relevant background papers and minutes. This right does not extend to papers of working parties.

This right does not however, apply to documents relating to certain items including background papers which may appear on the exempt part of an agenda. Members do not have a **statutory** right to inspect exempt information e.g. that relating to employees, occupiers of Council property, applicants for grants and other services, the care of children, contract and industrial relations negotiations, advice from Counsel and criminal investigations.

There are additional rights of access to documents for Members set out in Part IV of the Local Authorities (Executive Arrangements) (Access to Information) (England Regulations 2000 Advice on these can be obtained from the District Solicitor).

However, the **common law** right of Members, in relation to exempt information, is much broader and is based on the principle that any Member has a prima facie right to inspect Council documents so far as his/her access to the documents is reasonably necessary to enable the Member properly to perform his/her duties as a Member of the Council. This principle is commonly referred to as the "need to know" principle.

The exercise of this common law right depends therefore, upon the Member's ability to demonstrate that he/she has the necessary "need to know". In this respect a Member has no right to a "roving commission" to go and examine documents of the Council. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". As the Local Code of Conduct for elected Members makes clear, the motive for requesting the information is relevant and this should be disclosed, if requested.

This question must initially be determined by the particular Corporate Director whose service holds the document in question. In the event of difficulty the matter may be referred to the District Solicitor for determination.

In some circumstances a Member's "need to know" will normally be presumed (e.g. a Committee member wishing to inspect documents relating to the business of that Committee). In other circumstances a Member will normally be expected to justify the request in specific terms (e.g. a Member wishing to inspect documents which contain personal information about third parties).

Whilst the term "Council document" is very broad and includes for example, any document produced with Council resources, it is accepted by convention that a Member of one political group will not have a "need to know" and, therefore, a right to inspect, a document which forms part of the internal workings of another political group.

Further and more detailed advice regarding Members' rights to inspect Council documents may be obtained from the District Solicitor.



## **Use of Council Information - Confidentiality**

Standing Orders and contracts procedures require Members and Officers to maintain confidentiality in certain circumstances. Officers are bound by their contracts of employment and any breach of confidentiality will almost certainly lead to disciplinary action. Officers must distinguish between assisting an elected member in the course of the Member's Council business and dealing with the same person as a client or customer, e.g. as a Housing Benefit claimant. In the latter case, Officers will treat the Member with the same degree of helpfulness, courtesy and confidentiality as would be afforded to any other member of the public in the same situation, interpreting rules and procedures as they would with any other client or customer.

Equally, any Council information provided to a Member must only be used by the Member for the purpose for which it was provided i.e. in connection with the proper performance of the Member's duties as a Member of the Council. Confidential information provided to Members may be discussed in the exempt part of a Cabinet committee meeting or in private meetings of appropriate Members and Officers. However, it should not be discussed with, or released to, any other persons, save as provided by the Members' Code of Conduct. The Council's adopted Code of Conduct for Members paragraph 4a provides:-

You must not:-

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:-
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority.

Any information that is provided should be clearly marked as confidential before it is released to Members. Any request from a Member for information and the information given will be treated in the strictest confidence by Officers and will not be made known to any other Member or political group.

Officers are also under a duty not to relate any information disclosed privately by a Member unless the information disclosed relates to something that could severely damage the whole Council, which is illegal or constitutes maladministration. In this event the matter must be referred to the appropriate Corporate Director and/or Monitoring Officer or Chief Executive for further investigation and action as appropriate.

## **10. CORRESPONDENCE**

Correspondence between an individual Member and an Officer on a matter relating to a single constituent should not normally be copied (by the Officer) to any other Member. Where, exceptionally, it is necessary to copy the correspondence to another

Member, this should be made clear to the original Member. In other words, a system of "silent or blind copies" should not be employed.

In some cases issues are raised by, or with, individual Members relating to a matter of general interest in a Council Ward or individual Parish. Recognising that it is in the best interests of the Council to ensure that all Members are properly informed of general issues in their Ward or Parish, copies of correspondence will normally be sent to all Members for the particular area unless the Member specifically requests that correspondence is not copied to other Members or, there is a political, or other reason, why this is not appropriate. Similarly, copies of correspondence may be copied to the appropriate Chairman or Group Leader. Where correspondence is copied to other Members this will be made clear to the original Member, before copies are sent.

Letters on behalf of the Council should normally be sent out in the name of the appropriate Officer, rather than in the name of a Member. It may be appropriate in certain circumstances (e.g. representations to a Government Minister) for a letter to be signed by a Member, but this should be the exception rather than the norm. Letters which, for example, create obligations or give instructions on behalf of the Council should never be sent out in the name of a Member.

## **11. INVOLVEMENT OF WARD COUNCILLORS**

Whenever the Council undertakes any form of consultative exercise on a local issue, the Ward Members should be informed or involved, as appropriate, not later than at the outset of the exercise.

If a public meeting is organised by the Council to consider a local issue, all the Members representing the Ward or Wards affected should, as a matter of course, be invited to attend the meeting.

## **12. CEREMONIAL EVENTS**

The Chairman of the Council or in his/her absence the Vice-Chairman of the Council is the proper person to lead Council ceremonial events which are of particular significance or are not specifically associated with a particular Committee. Similarly the Chairman of the Council, or in his/her absence the Vice-Chairman of the Council, will be the appropriate person to represent the Council at ceremonial events of other organisations which are not specifically associated with a particular Committee.

Subject to the above, the Cabinet Leader or Chairmen of Committees or, where they are not available, Deputy Leader or Vice-Chairmen respectively are the appropriate representatives for ceremonial events within the scope of their Committees. Where neither is available then another member of the Committee may be nominated by the Member concerned.

Local Members should always be informed of, and, where possible, invited to ceremonial events taking place within their own Wards, as should Parish Councillors as appropriate.

Any Member taking part in a ceremonial event must not seek disproportionate personal publicity or use the occasion for party political advantage bearing in mind that the Member is representing the Council as a whole.

### **13. PUBLIC RELATIONS AND PRESS RELEASES**

The Council's Corporate Communications Officers serve the Council as a whole and must operate within the limits of the Local Government Act 1986 which prohibits the Council from publishing material which appears to be designed to affect public support for a political party or individual Member.

Officers draft Council press releases. They will often contain quotations (within the limits of the Local Government Act 1986) from the Leader or Deputy Leader of the Council, the Chairman or Vice-Chairman of Council or the Chairman or Vice-Chairman of the appropriate Committee. Such press releases are issued on behalf of the Council and it is not, therefore, appropriate when providing quotations from Members to indicate their party political affiliation.

Regard should be had to the Local Authority Code of Publicity especially in relation to publicity during the period leading up to an election.

Officers should not issue personal press releases or seek publicity.

If political groups wish to issue press releases or to respond to correspondence in the press, care must be taken to ensure that the group or individual Member is clearly identified and that the information is sent out on individual Member headed paper so as to avoid confusion with official Council Press Releases.

## **D. Members' Planning Code of Good Practice**

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## Background

This Code is based on the model adopted by the Association of Council Secretaries and Solicitors (ACSeS). The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of ACSeS, the Local Government Ombudsman and from firms of solicitors or Counsel acting on their behalf. This Code of Good Practice takes into account the new interests Disclosable Pecuniary Interests (DPI's) and Other Interests adopted by this Council on 31 July 2012. The DPI's and Other Interests have replaced the personal and prejudicial interests.

The Localism Act 2011 abolished the Standards for England, the standards committees of local authorities and the power of the First-tier Tribunal (Local Government Standards in England) relating to local government standards for England. The Local Authorities (Model Code of Conduct) Order 2007 was revoked on 1 July 2012.

Although the ten general principles of conduct were revoked in England on 1 July 2012, the Localism Act 2011 requires a relevant authority's code of conduct to be consistent with the Seven Principles of Public Life set out in the First Report of the Nolan Committee on Standards in Public Life. These are Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

## Introduction

**The aim of this code of good practice:** to ensure that in the planning process decisions are seen to be well founded and not biased or partial in any way.

**The key purpose of Planning:** to manage development in the public interest.

**Your role as a Member making Planning Decisions:** to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning decisions on the Planning Committee, Regulatory and Appeals Committee or as the Standing Deputy at either of the Committees. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**The role of Members of the Planning Committee is:** to make decisions openly, impartially, with sound judgement, for justifiable reasons in accordance with the provisions of the development plan, unless material considerations indicate otherwise. This will involve balancing:

- competing needs and interests of individual constituents and the community, with
- the need to maintain consistency of approach and an ethic of impartial decision-making on what can be highly controversial proposals.

**Application of this Code of Good Practice to members who do not sit on Planning Committee:** The rules on declarations of interest, gifts and hospitality, site visits, relations with officers, negotiations with applicants/developers and requests for applications to go to Committee apply to all members of the Council, whether or not they sit on these decision-making committees. But otherwise this Code does not apply to them, for example when carrying out their role as local member representing their constituents' views at Planning Committee.

**If you have any doubts about the application of this Code of Good Practice to your own circumstances you should seek advice early, from the Monitoring Officer or one of his or her staff, and preferably well before any meeting takes place.**

## **1. Relationship to the Members' Code of Conduct**

- 1.1 **Do** apply the rules in the Members' Code of Conduct first, which must be always be complied with.
- 1.2 **Do** then apply the code in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - **yourself at risk either of being prosecuted for failure to comply with the Disclosable Pecuniary Interests rules, or being subject to a complaint for failure to comply with the Council's Code of Conduct.**

## **2. Development Proposals and Disclosable Pecuniary Interests under the Code of Conduct**

- 2.1 The Disclosable Pecuniary Interests which members are required to register are now defined by the Disclosable Pecuniary Interests Regulations 2012, and the list of definitions is appended to the Code of Conduct.
- 2.2 You should regard yourself as having a Disclosable Pecuniary Interest in an item of business which relates to the matter in which you have a Disclosable Pecuniary Interest.
- 2.3 **Do** disclose a Disclosable Pecuniary Interest in an item of business, to the meeting before or at the start of the consideration on that matter, or as soon as it is apparent, and you should not participate in the discussion of, or vote, on the item of business. Failure to comply with these requirements may constitute a criminal offence. The Council's Procedural Standing Orders also require you to withdraw from the room in which the meeting is being held for the duration of consideration of the item of business.
- 2.4 **Do** register a Disclosable Pecuniary Interest in the matter, where you have not previously done so. You are now required to do so within 28 days of becoming aware of the interest, or of the date when the agenda for the meeting was sent out to members, whichever is the earlier.

## **3. Other Interests under the Code of Conduct**

- 3.1 The Council has adopted a Members' Code of Conduct which requires members to declare a 'Non-Disclosable Pecuniary Interests and Non-Pecuniary Interests as defined in that Code (the full requirements of the Members' Code of Conduct are set out in Part 5 of the Council's Constitution). For ease of reference, these interests are referred to as "Other Interests" in this Guidance Note.
- 3.2 A member will have an "Other Interest" in an item of business where:
  - a decision in relation to that business might reasonably be regarded as affecting the wellbeing or financial standing of the member, or of a member of your family or a person with whom you have a close

association to a greater extent than it would have on the majority if the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area; or

- it relates to or is likely to affect any of the interests listed in the Appendix to the Code of Conduct, but in respect of a member of your family or a person with whom you have a close association, and that interest is not a Disclosable Pecuniary Interest.

3.3 **Do** make a verbal declaration of the existence and nature of that interest where you attend a meeting at which you have an "Other Interest" in an item of business, at or before the consideration of the item of business or as soon as the interest becomes apparent.

### **Interests in relation to Planning Applications**

3.4 **Do** contact the case officer urgently as soon as you realise after you have submitted comments as a Ward Member or taken some other action that you have a Disclosable Pecuniary Interest or Other Interests.

3.5 **Don't** exercise the powers of call-in in respect of an application where you have a Disclosable Pecuniary Interest or Other Interests. The Ombudsman has previously advised that the Council is at risk of a finding of maladministration if a Member who has an interest in an application exercises any of the powers or privileges accorded to Members in respect of that application. There may be a general perception that calling-in a delegated item to Planning Committee ensures that the public will conclude that everything is 'above board'. The Ombudsman does not share that view.

3.6 If you do find yourself having to disassociate yourself from an application, you may well feel that your constituents have been disenfranchised. This does not entitle you to set aside this advice. In these cases it is the Ombudsman's view that:

- you should invite a Member from the same ward or from a neighbouring ward to take an interest in the matter
- constituents who approach you should be invited to contact that other Member or any other Member of the deciding body
- you should avoid expressing any view about the application to other Members (save as set out below) and you must never communicate to other Members of the deciding meeting what you would have said had you been able to do so

3.7 Having said this, in some circumstances it may be appropriate to comment on a planning application in your private capacity. You should avoid doing this if at all possible but in some circumstances it is unavoidable. If this is the case your comments can be reported simply, as third party comments rather than as Ward Member comments, but to ensure that your comments are treated properly only write on plain notepaper, never headed Councillor notepaper, and try to avoid contact with the case officer. If you do need to contact the case officer, please remember to advise him/her that you do have an interest and are calling/visiting purely as an ordinary resident.

## 4. Predetermination and Bias

- 4.1 Section 25 of the Localism Act 2011 clarifies the rule on predetermination, which has been developed by the Courts to ensure that councillors participated in meetings with an open mind. Section 25(1) applies if there is an issue about the validity of a decision, as a result of an “allegation of bias or predetermination, or otherwise” and “it is relevant to that issue whether the decision maker (or any of the decision makers) had or appeared to have had a closed mind (to any extent) when making the decision”.
- 4.2 An elected or co-opted member is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because:-
- The decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took or would or might take, in relation to a matter, and
  - The matter was relevant to the decision (Section 25(2))
- 4.3 This makes it clear that councillors are entitled to campaign on issues and express views etc. without disqualifying themselves from decision-making PROVIDED they can demonstrate absence of "bias" or "predetermination". The test for bias is “to a fair minded observer, who is suitably informed, and who having considered the facts would conclude that there was a real possibility of bias”.
- 4.4 Predisposition is having a tendency towards, or likelihood of, deciding a matter in a particular way (i.e. I've got an opinion on this....) but with the mind left completely open to the possibility of deciding otherwise in the course of the decision process e.g. by being influenced by the debate. Having an open mind or a pre-disposition is lawful.
- 4.5 **Do** withdraw and not participate further in the planning application where you have an Other Interest mentioned above in Paragraph 3 and you have predetermined the application or there is a perceived appearance of bias.
- 4.6 **Don't** prevent your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the officer's presentation and evidence and arguments on both sides.
- Otherwise** taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- 4.7 **Do** be aware that you should not participate where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the Cabinet and the Planning Committee, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)



- 4.8 **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district and county councillor), provided:
- 4.7.1 you make it clear to the consultee body that:
- your views are expressed on the limited information before you only;
  - you must reserve judgement and the independence to make up your own mind on each separate proposal when it comes before the Planning Committee, based on your overriding duty to the whole community and the role of making decisions in accordance with the development plan unless material planning considerations indicate otherwise and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
  - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
- 4.7.2 you disclose the Other Interest regarding your membership or role when the Committee comes to consider the proposal.
- 4.9 **Don't** speak and vote on a proposal where there is a danger of predetermination or bias. You should withdraw yourself before the application is considered at the Planning Committee.
- 4.10 **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.
- 4.11 Provided that you do not have a Disclosable Pecuniary Interest, you may attend as a Ward Member any meeting to make a statement on behalf of the Member's constituents in the case of any item under discussion which directly affects the Member's ward, with prior consent of the Chairman of the Committee. The Member (unless attending as a Standing Deputy) may not vote on the matter in accordance with the Council's Procedural Standing Orders.

## 5. Contact with Applicants, Developers and Objectors

- 5.1 **Do** refer those who approach you for planning, procedural or technical advice to officers.
- 5.2 **Do** draw attention to the Council's agreed Statement of Community Involvement and protocol for engagement with applicants' developers and the public.
- 5.3 **Do** discuss any requests for meetings with the Development Manager / Head of Planning and Sustainability who can advise on appropriate steps. Any meetings should have a record made.
- 5.4 **Do** otherwise:
- follow the rules on lobbying in paragraph 8 below;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and

- report to the Manager of Development / Head of Planning and Sustainability any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants / developers:**

- 5.5 **Don't** attend a planning presentation unless an officer is present and/or it has been organised by officers and/or it is open to the public as referred to in the Statement of Community Involvement.
- 5.6 **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
- 5.7 **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application; this will be carried out under delegated powers or by the appropriate Committee planning authority.
- 5.8 **Do** be aware that a presentation is a form of lobbying and you must not express any strong view on a proposal which indicates a closed mind or state how you or other Members might vote.

**6. Guidelines on Pre-Decision Discussions**

- 6.1 **Do** become involved in the pre-application process as set out in the adopted Statement of Community Involvement. However members **must not**:
  - Be drawn into, or actively promote, direct negotiations with a developer to seek to amend/influence the development proposal (unless specifically authorised to do so by the Planning Committee – see Appendix 1 Members and Officer Involvement in the pre planning application process: Guidance Note).
  - Put pressure directly or indirectly on any Officer to follow a particular course of action with regard to a development proposal, planning (or other) application or to disclose any pre-application requests or responses (unless agreed with all parties that it can be released).
  - Put pressure directly or indirectly on members of the decision-making body to follow a particular course of action with regard to a development proposal
- 6.2 Members on the decision making body (Planning Committee, Regulatory and Appeal Committee including standing deputies) should take extreme care:
  - When speaking to developers or objectors not to express views about the acceptability or otherwise of a proposal, which indicates a closed mind.
  - To remain open minded about the development proposal and only reach a view at the time of the decision-making on the application having read and considered the planning officer's report and all representations.
  - To avoid organising support for or against a planning application.
  - To avoid any public statements on applications.

## 7. Lobbying of Members

- 7.1 **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, the Council has an agreed protocol for involvement of members and stakeholders in the planning process (see Appendix 1) and it may prejudice your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- 7.2 **Do** remember that your overriding duty is to the whole community not just to the people in your ward, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- 7.3 **Do** copy or pass on any lobbying correspondence you receive to the Development Manager/Head of Planning and Sustainability at the earliest opportunity.
- 7.4 **Do** promptly refer to the Development Manager/Head of Planning and Sustainability any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- 7.5 **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.
- 7.6 **Do** note that, unless you have a Disclosable Pecuniary Interest, you will not have predetermined or breached this Planning Code of Good Practice through:
- listening to or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.
- 7.7 **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register the gift or hospitality where its value is over £50 (in accordance with the Council's Code of Conduct).

## 8. Lobbying by Members

- 8.1 As a general rule, party politics should have no place in the consideration of individual planning applications. The views of your party may be a material consideration, but should never dictate the outcome or replace your personal judgment on an application.

- 8.2 **Do** feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society.
- 8.3 **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby, to promote or oppose planning proposals. If you do, you will have predetermined your position and have to withdraw.
- 8.4 **Don't** apply pressure by lobbying fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken. Making Members aware of views and concerns can be done without applying pressure.
- 8.5 **Don't** decide or discuss how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

## 9. Site Visits

- 9.1 **Do** try to attend site visits organised by the Council where possible.
- 9.2 **Do** ensure that any information which you gained from the site visit is reported back to **the** Committee, so that all Members have the same information.
- 9.3 **Do** ensure that you treat the site visit only as an opportunity to seek information and to **observe** the site circumstances relative to the proposal.
- 9.4 **Do** ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- 9.5 **Don't** request a **Committee** site visit unless you feel it is strictly necessary because:
- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or
  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.
- 9.6 **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose comments must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.
- 9.7 **Don't** express **opinions** or views to anyone whilst on the site visit.
- 9.8 **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
- you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Manager/Head of Planning and Sustainability about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 10. Public Speaking at Meetings

- 10.1 Public speaking as currently constituted at this Council allows an objector to an application which is recommended for approval the opportunity to address the Planning Committee. The Ombudsman has made it clear that if you have declared an interest as a Member it is highly inappropriate for you to attempt to exercise your right as an objector to address the Committee as this completely defeats the object of the declaration of interest.
- 10.2 Even more so, under no circumstances should you exercise a right of reply if you are an applicant. Instead request that a third party acts on your behalf (professionally or as a friend). Do not act professionally or as a friend on behalf of your applicant.
- 10.3 **Do** ensure that you comply with the Council's procedures in respect of public speaking.
- 10.4 As a Member of Planning Committee/Regulatory & Appeals Committee **don't** allow members of the public or Ward Members to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

## 11. Officers

- 11.1 **Don't** put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Head of Planning and Sustainability/Development Manager, which may be incorporated into any committee report).
- 11.2 **Do** recognise that officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those officers who are authorised by their Head of Service to deal with the proposal at a Member level.
- 11.3 **Do** recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with views, opinions of the Committee or its Members

## 12. Decision Making

- 12.1 **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through officer delegation, your planning reasons are explained (which will be referred to in the report to the Committee).
- 12.2 **Do** come to meetings **with** an open mind and demonstrate that you are open minded.
- 12.3 **Do** comply with section 54A of the Town and Country Planning Act 1990 which **requires** decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise.
- 12.4 **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

- 12.5 **Do** clearly state all the reasons for requesting a Committee's decision to defer or refuse any proposal.
- 12.6 **Do** make sure that if you are proposing, seconding or supporting a decision contrary to officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/motion. These reasons must be given prior to the vote and be recorded. Be aware that the Council will have to justify the resulting decision by giving evidence in the event of any challenge/planning appeal and you may be requested to contribute.

### 13. Applications by Members and Officers

- 13.1 Nothing in this Practice Note should be taken to prevent a member or an officer of the Council from making an application for planning permission in their personal capacity. Where a member or an officer does make such a planning application, it will be dealt with in accordance with these provisions, which follow the recommendations of the Local Government Association.
- 13.2 **Do** make it clear in the application if you or your spouse is making an application, or that a close relative is making one. Equally, if you act professionally as an agent for an applicant or objector this should be declared in the same way.
- 13.3 If the application is one which would normally be dealt with under delegated powers the Head of Planning and Sustainability may decline the delegation and the matter submitted to Planning Committee for determination.
- 13.4 Officers will submit a draft report and the file to the Monitoring Officer prior to the matter being included on the Planning Committee agenda. The Monitoring Officer will certify that the application has been properly dealt with and the report will show this. If it cannot be so certified, the matter ~~may will~~ be the subject of a Monitoring Officer's report to full Council prior to any decision being made. You will be asked to consent to the eight week determination period being extended to allow for this extra procedure to take place.
- 13.5 This Good Practice Note equally applies to applications submitted through or which affect companies which are owned by a Councillor or Officer. This includes companies in which a Member or Officer has a controlling or significant interest. You are reminded of the rules regarding interests as well. Nothing in this guidance overrides or alters that.
- 13.6 Applications which affect an Officer (as opposed to a Member) will be dealt with in the usual manner. Any letter of representation should identify you as an Officer of the Council or, if submitted by a close family member or on behalf of a company in which you or your family have significant interests, identify that relationship. The file may be referred to the Monitoring Officer before a decision is made if there is a real potential for an allegation of improper influence. In such cases the Monitoring Officer will be asked to certify that the correct procedures have been followed and that all other matters have been dealt with properly. If the Monitoring Officer considers it appropriate, an otherwise delegated item may be submitted to Planning Committee for decision. This will be the norm when applications affect any Officer whose duties include direct involvement in the planning process.
- 13.7 Applications by or which affect Directors or the Monitoring Officer may be the subject of external review if the Chief Executive (after consultation with the Chairman of Council and all Group Leaders) considers it appropriate.

## 14. Training

- 14.1 **Do** only participate in decision making at meetings dealing with planning matters if you have attended the mandatory planning training prescribed by the Council.
- 14.2 **Do** endeavour to attend any other specialised training sessions and planning events provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- 14.3 **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

## 15. Conclusion

At all times you must appreciate that as a Member of the Council in general and as a Member of the Planning Committee that you take on a heavy duty. As the Members' Planning Code of Good Practice points out, your duty is to the whole community and not to any section of it. By the same token, the whole community has a right to look to you and to the Council as a whole to consider matters dispassionately, having regard only to the relevant factors and disregarding irrelevant ones.

## APPENDIX

### Member and Officer Involvement in the pre planning application process

#### Introduction

This guidance sets out some general rules for Member and Officer involvement at the pre-application stage and builds on the Council's (updated) Statement of Community Involvement Document (SCI), adopted in December 2012. This provides a framework for promoting community involvement in development proposals. Further specific guidance is attached in the form of:

- [Annex 1: Members, stakeholders and the public: pre-application](#): this sets out the types of consultation that can take place at the pre-application stage.
- [Annex 2: Pre-application Developer presentations to Members and Stakeholders](#): this provides guidance on the form and content of such meetings.
- [Annex 3: Direct decision-making member involvement in negotiation](#): this sets out when it may be appropriate for a Member to take part in negotiations on a planning application.

#### Codes of Conduct

Officers and Members' role in the pre-application process has to be guided by the published Codes of Conduct for Officers and Members.

#### Administration of pre-application process

Prospective developers are encouraged to enter into pre-application discussions with Officers and Members particularly for Tier 1 (District- wide significance) and Tier 2 (Neighbourhood significance) proposals.

There is a charging system for pre-application advice and a standard application form and information is available on the WDC web site. Pre-application enquiries that are received are validated, given a case number and allocated to an Officer to deal. The cases are considered as confidential matters and the pre-application request and response are not publicised or made available to Members or the public (unless the developer gives agreement). This is because at this stage the developer will often be exploring commercially sensitive ideas, sometimes on land not yet in their ownership.

The Planning Officer's response will draw attention to the need for the developer to engage in wider community involvement as part of the pre-application process under the terms of the SCI. The SCI includes the opportunity to involve Members in the process.

#### Some general rules on Member involvement

Members are encouraged to become involved in the pre-application process, but following the advice which is set out in the main text of the Member's Planning Code of Good Practice.



## **Developers Responsibilities**

It is the developer's decision when to publicise their development proposal. The Council encourages the developer to carry out community consultation prior to the submission of an application – appropriate to the scale/'Tier' of the proposal (please refer to the Statement of Community Involvement). It is in a developers' interest to seek wider views at an early stage.

Developers are advised to:

- Follow the practice/format set out in Appendix 2 for 'presentation' consultation events on Tier 1 and 2 proposals.
- Advise the planning case officer at least 2 weeks in advance of any consultation events for Tier 1 or 2 proposals so the case officer is able to publicise these through the WDC Weekly Planning Bulletin.
- Not make any special arrangements to exclusively target decision-making members directly or indirectly.
- Not seek to apply any pressure directly or indirectly or incentive on decision-making members to reach a particular conclusion.

If Officers consider that a developer is targeting members e.g. with an exclusive viewing of a development proposal in the absence of stakeholders, the public and officers, the officers will advise members not to attend the event.

## **Planning Officer's involvement**

Advice given by planning officers to developers and applicants with regards to their proposals shall not bind the Council to a decision. Officers may express a professional opinion but must not bind the Council to a decision until the final determination of the application.

## ANNEX 1: Members, stakeholders and the public: pre-application

The SCI sets out the methods of involvement as shown in the left hand column of the following table. Also set out is the role of developers, members and officers in this process. The involvement of Members at the pre-application stage can be of great benefit to the overall process and Members should feel confident to take part where appropriate.

Further advice can be sought from Officers on a case by case basis if Members have any doubts about participating.

|                      | Developers role  | Members role  | Officers role  |
|----------------------|--|---|--|
| Public meeting       | The developer should invite officers, members, stakeholders and the public. Should agree the form of the public meeting with officers. | Can attend.   | Can attend. Assist developer with information about relevant stakeholder groups where known. |
| Focus group          | The developer should invite officers, members, stakeholders and the public.  | Can attend. But not acceptable if targeted just at Members.                                       | As above   |
| Workshop             | The developer should invite officers, members, stakeholders and the public.  | Can attend. But not acceptable if targeted just at Members.                                       | As above   |
| Exhibition           | The developer should invite officers, members, stakeholders and the public.  | Can attend. But not acceptable if targeted just at Members.                                       | As above   |
| Local meeting        | The developer should invite officers, members, stakeholders and the public.  | Can attend. But not acceptable if targeted just at Members.                                       | As above   |
| Drop in session      | The developer should invite officers, members, stakeholders and the public.  | Can attend. But not acceptable if targeted just at Members.                                       | As above   |
| One to one meeting   | Useful for hard to reach groups.   | 'Decision making' members should not attend unless authorised to do so by the Planning Committee. | Meetings with Officers encouraged under the pre-application charged service.                 |
| Questionnaire survey | Should be targeted at residents/occupiers.   | Not appropriate for 'decision making' members to take part.1                                      | Not appropriate to take part. Responses to proposals are via formal pre-application          |

|                              | <b>Developers role</b>  | <b>Members role</b>  | <b>Officers role</b>  |
|------------------------------|---|--|---|
|                              |   |  | letters.  |
| Consultation document        | The developer should make this available to officers, members, stakeholders and the public.   | Can read - but should not be an author of any part of the document and 'decision making' members should avoid responding (as above, for questionnaires). | Assist developer with information about relevant stakeholder groups where known, for their circulation.<br>Can read this, though responses to proposals are via formal pre-application letters. |
| Flyers/ letters/email shots  | The developer should make this available to officers, members, stakeholders and the public.<br><br>If targeting members, the developer should agree wording with officers to avoid prejudicing the process. | Can read these.<br>'Decision making' members should avoid responding (as above, for questionnaires).   | Can read these.   |
| WDC Weekly Planning Bulletin | Developers should provide information (in good time) for Officers to adapt for Weekly Bulletin to publicise consultation events for Tier 1 and 2 proposals.   | A useful source of information.  | Produce the text for the Weekly Bulletin.   |
| Website                      | Developers can set up a web site where information is available and should publicise this with other pre-application information.   | Can access this. Be careful on feedback, as above.   | Can access this.  |

<sup>1</sup> Even if anonymised, if evidence was later produced of the Member's response to the questionnaire and it became clear that the Member had predetermined, that would not be acceptable.

## **ANNEX 2: Pre-application Developer Presentations to Members and Stakeholders**

The Planning Committee has time already set aside for pre-application and other planning matters. This is between 6.00pm and 6.50 pm before the Planning Committee's main meeting.

This is a useful time period for developer presentation to members and stakeholders. Such presentations will normally relate to Tier 1 proposals but may exceptionally (at the Officers and the Committee Chairman's discretion) relate to Tier 2 proposals.

An alternative time can be arranged for Member and Stakeholder presentations if the pre-committee time slot is not convenient.

### **Stage in Process**

A developer presentation to members and stakeholders should be part of the wider Statement of Community Involvement process involving other consultation as set out in the SCI and in this note.

It is an opportunity for the developer to explain his proposals and to be asked questions by Members and stakeholders.

It is important that presentations take place at an early pre-application stage in the development process so that developers may address certain aspects of their proposals as a result of questions asked during the presentation.

Presentations by developers will not be appropriate after a planning application is submitted to the authority. This is because at that stage there may be third party interest (e.g. objecting to the proposal) and third parties will not have the same opportunity to be able to present their ideas to members.

### **Arrangements for the pre application presentation**

The presentation arrangements will be confirmed by the Planning Officers. Presentations will normally take place in Committee Rooms 1 and 2. The developer should be made aware that it can take a while (e.g. possibly up to twelve weeks) to find a time for the presentation.

The invitees should include:

- All Members of Wycombe District Council (ward members to receive a letter or email other members to be advised by member update)
- The Planning Case Officer and any other Officers who will have a significant role in the case.
- A representative of the Highway Authority
- The Chairman of the relevant Parish / Town Council and a deputy (or their substitutes).
- A member of the Wycombe Society, Chiltern Society or Marlow Society (as appropriate).
- A spokesperson for any local residents group registered with WDC Planning / their deputy.
- A spokesperson for any identified group registered with WDC Planning where the activities of the group are related to the proposal.

## **Form of the pre-application presentation**

The meeting is introduced by a Chairman (in the first instance the Chairman of Planning Committee, or in his/her absence the Vice Chairman, or if he/she is not available, then the Cabinet Member for Planning and Sustainability).

The presentation will normally comprise:

- (a) Chairman's introduction, including advising the meeting of the rules to ensure that no issues of pre-determination can arise (2 minutes)
- (b) Planning Officer to provide a planning policy context for the development (5 minutes)
- (c) The developer to outline their proposals (roughly 10 to 15 minutes)
- (d) Questions and answers (roughly 30 minutes)

## **Standard information**

When introducing a Developer Presentation to Members and stakeholders the following information should be presented.

This is a Developer Presentation to Members and Stakeholders and is being conducted under our guidance for such meetings.

The following stakeholders have been invited [names]

Planning Committee members should remain open minded about development proposals and should not reach a firm view of the merits or otherwise of a proposal as a result of this presentation.

There will be a question and answer session at the end of the meeting.

All Members are requested to not make statements that indicate a closed mind about the development proposals and are advised to restrict themselves to questions. It would be helpful for stakeholders to do the same.

## **Other issues**

Formal minutes will not be taken of the meeting. Developers are required to submit a Statement of Community Involvement with their planning application. Developers should note in this that a developer presentation took place.

Developers should not by themselves arrange a Developer Presentation for Members and stakeholders. This can only be done by officers. If developers do want to arrange a meeting where they can present their ideas to members and stakeholders, this should, in accordance with the SCI take the form of a public meeting (see table above). The key differences are:

- (a) The public meeting should be held local to the development site
- (b) The general public should be invited
- (c) Planning Committee members should not be specifically targeted as the invitees (rather it would be the local ward Members who would be invited or all Members).

A behind closed doors meeting between a Developer and Members of the Planning Committee would not be acceptable.

## **Post Application Presentation**

Applicants may wish to make a developer presentation to members and stakeholders after their planning application has been received by the Local Planning Authority. This type of meeting is not acceptable because third parties have no right to make such presentations. Instead, the Planning Case Officer may arrange to make a presentation on the planning application.

The key features of the presentation are:

- (a) The invitees will be the same as with developer presentation except that the applicant and his advisers will not be allowed to be present.
- (b) The meeting will operate in the same way as the developer presentation, except that the Case Officer will outline the proposal
- (c) Formal minutes will not be taken of the meeting. The Case Officer can provide some feedback to the applicant following the meeting. For instance, this could be the case if questions have been asked on technical subjects and the answers are not apparent from the scheme submission.

## **ANNEX 3: Direct decision-making Member involvement in negotiation**

In exceptional cases the Planning Committee can nominate decision – making Members to participate in negotiations with a developer with an Officer present. The Officer should keep a minute of the meeting.

An exceptional situation where this may be the case would be a development proposal that has been supported by Officers but has been refused on more than one occasion on points of detail rather than principle by the Planning Committee. In such cases it may be difficult for Officers to advise the developer how to amend the scheme in order to obtain Members support. The involvement of members in the negotiation may be the most effective way of resolving the matter.

Members taking part in such negotiation will be doing so without prejudice to the final outcome of the application. Members will still be required to consider and weigh any consultation responses and representations received on the proposal and the advice of their officers.

If the revised application is subsequently the subject of a report (either delegated or a report to the Planning Committee) the involvement of Members in the negotiation in accordance with the Council's procedures should be referred to in the report.

## **E. Anti-Fraud and Corruption Policy and Procedure**

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## E. Anti-Fraud and Corruption Policy and Procedure

### 1. Introduction

1.1 Fraud and corruption pose a risk to all local councils and there is an increasing awareness of the impact of fraud and corruption on the finances and reputation of a council.

1.2 Fraud is defined as:

'the intentional distortion of financial statements or other records, which is carried out to conceal or effect the theft of assets or money, or to mislead or misrepresent'.

The Fraud Act 2006 created a statutory offence of Fraud for the first time.

1.3 Corruption is defined as:

'the seeking or acceptance of a gift or reward (ie payment) which may influence the action of any person'. Offences of bribery under the Bribery Act 2010 also provides a new consolidated scheme of bribery offences including:-

**Making a bribe** - "offering, promising or giving a financial or other advantage with the intention of inducing or rewarding the improper performance of a relevant function or activity or as a reward for such improper action".

**Accepting a bribe** - "requesting, agreeing to receive or accept financial or other advantage for the improper performance of a relevant function or activity or as a reward for such improper activity".

1.4 This policy sets out the Council's commitment to tackling fraud and corruption. The Council is committed to taking appropriate and decisive action against those committing, or attempting to commit, fraudulent or corrupt acts against the authority.

1.5 The Council's Anti-Fraud and Corruption Policy is based on a series of comprehensive and inter-related procedures and actions designed to deter, frustrate, or take effective action against any attempted fraudulent or corrupt acts affecting the Council. The following have been taken into account when drawing up the policy:

- Proportionate procedures
- Top level commitment
- Risk Assessment
- Due diligence
- Communication
- Monitoring and review

Any perceived gaps in policies and procedures have been identified and addressed. This will be monitored annually as part of the Annual Governance Statement (AGS) process.

The Council is committed to proportional implementation of these principles

1.6 High standards of probity in public life and in the systems operated within local government are an essential expectation of the electorate, tax-payers and members of the public and are vital in maintaining public confidence and a fundamental cornerstone of governance. The minimisation of losses through fraud and corruption are essential in ensuring that resources are used for their intended purpose that of providing services to the residents of the district.



- 1.7 The Council also expects that stakeholders, individuals and organisations such as residents, suppliers, contractors and service providers will act towards the Council with integrity and without thoughts or actions involving fraud and corruption.
- 1.8 The Council is also aware of the high degree of external scrutiny of its affairs by a variety of bodies including:
- Local Government Ombudsman
  - External Auditor
  - Audit Commission
  - The Public/Service users – through the Councils complaints procedure
  - Central Government Departments and Parliamentary Committees
  - HM Revenues and Customs
  - Department for Work and Pensions
  - Other Commissioners
- 1.9 The External Auditor has a statutory duty to check that the Council has in place adequate arrangements for the prevention and detection of fraud and corruption.
- 1.10 Wycombe District Council's Anti-Fraud and Corruption Policy covers:
- Culture and stance against fraud & corruption (section 2);
  - Corporate framework (Section 3);
  - Procedures in place that help prevent fraud & corruption (section 4);
  - Detection and investigation (section 5);
  - Deterrence (section 6);
  - Training (section 7);
  - Conclusion (section 8).

## **2. Culture and Stance against Fraud & Corruption**

- 2.1 Wycombe District Council is determined that the culture and tone of the organisation is one of honesty and opposition to fraud and corruption. The Council is committed to the highest possible standards of openness, probity and accountability and adopts a zero tolerance approach to fraud, irrespective of the value of fraud committed.
- 2.2 The Council's expectation on propriety and accountability is that members and officers at all levels will lead by example in ensuring adherence to legal requirements, standing orders, financial regulations, codes of conduct, procedure and practices.
- 2.3 As part of the culture of the Council, it will provide clear routes by which concerns can be raised by both members and officers, and those outside who are providing, using or paying for public services.
- 2.4 The Council will do its best to protect the identity of anyone who raises a concern and does not want their name to be disclosed. However, it must be appreciated that the investigation process may reveal the source of the information and a statement may be required as part of the evidence.

- 2.5 Following the passing of the Public Interest Disclosure Act 1998, the Council has adopted a Disclosure (“Whistle Blowing”) Policy. This allows concerns to be raised by employees, in the certainty that they will be treated seriously and be properly investigated. However, there is a need to ensure that any investigation process is not misused and therefore any abuse, such as raising malicious or vexatious allegations may be dealt with as a disciplinary matter.
- 2.6 Where sufficient evidence exists in any fraud or corruption case, it is the policy of Wycombe District Council to refer the matter to the Police or the Legal Department of the Council for prosecution.
- 2.7 Senior Management (Chief Executive, Corporate Director, and Heads of Service) is responsible for following up any allegation of fraud or corruption received and is expected to deal swiftly and firmly with those who defraud the Council or who are corrupt. The Council, including members, directors and senior management, will be robust in dealing with financial and non-financial malpractice.

### **3. Corporate Framework**

- 3.1 Documents and systems are already in place within Wycombe District Council that provides a well-defined prevention, detection and investigation process. These include:
- Member support;
  - Codes of Conduct for Members and Officers;
  - “Whistle Blowing” Policy,
  - Complaints procedures;
  - Standing Orders and Financial Regulations;
  - Sound internal control systems, procedures and reliable records;
  - Effective internal audit;
  - Effective recruitment and employee vetting procedures;
  - The Council’s disciplinary procedures;
  - Clear responsibilities, accountabilities and standards;
  - Induction and training.
  - The Regulation of Investigatory Powers (RIPA) Procedure.

### **4. Detailed Procedures In Place Which Help Prevent Fraud & Corruption**

- 4.1 Our key anti-fraud arrangements include:

#### **Employees**

- 4.2 The Council recognises that a key preventative measure in the fight against fraud and corruption is to take effective steps at the recruitment stage to establish, as far as possible, the previous record of potential employees, in terms of their propriety and integrity.
- 4.3 In particular written references will be obtained regarding the known honesty and integrity of potential employees before employment offers are made. Proper written evidence of all qualifications claimed will also be obtained. In this regard temporary and contract employees should be treated in the same manner as permanent employees. Criminal records bureau checks will be carried out on all relevant employees and subject to regular repeat.

- 4.4 Employees of the Council are expected to abide by the Council's Standards of Conduct (as set out in Terms and Conditions of Service) and any other relevant policy which sets out the Council's requirement on personal conduct. Employees are also expected to follow any Code of Conduct related to any personal Professional Institute.
- 4.5 The Council has in place disciplinary procedures and rules for all categories of employee. Any breach of conduct will be dealt with under these procedures and could result in dismissal.
- 4.6 Officers are reminded under the Officers Code of Conduct that they must operate in accordance with Section 117 of the Local Government Act 1972, regarding the disclosure of pecuniary interests in contracts relating to the Council or the non-acceptance of any fees or rewards whatsoever other than their proper remuneration.
- 4.7 The Code of Conduct requires officers to maintain conduct of the highest standards such that public confidence in their integrity is sustained. The Codes include guidance on declaring any conflicts of interests, accepting gifts and hospitality. The definition of fraud does not relate solely to cases where the person committing the fraud receives a benefit from the act, but also cases where it is a third party who receives the benefit.

### **Members**

- 4.8 The adoption of a local Code of Conduct for Members is a statutory requirement. Such a code regulates the conduct of Members and co-opted Members. The Council adopted the current, revised code in 2012.
- 4.9 Generally, this code is divided into three parts; namely General Interests (Scope and General Obligations), Interests (Personal Interests, Disclosure of Personal Interests, Prejudicial Interests, Overview and Scrutiny Committees, Participation in relation to Disclosed Interests), and the Register of Members' Interests (Registration of Financial and Other Interests).
- 4.10 These matters and other guidance are specifically brought to the attention of Members at the induction course for new Members and are in documentation supplied to each Member.
- 4.11 After approving an Anti-Fraud & Corruption Policy and the Strategy, Members can play an important role by leading by example and being seen to support it.

### **Internal Control Systems**

- 4.12 The Council has Standing Orders/Constitution, Financial Regulations and various rules and codes of conduct in place that provide a requirement on officers, when dealing with the Council's affairs, to act in accordance with best practice. These include the Planning Matters Guidance Note and additional protocol (approved by Members) dealing with the involvement of Members in the Planning process.
- 4.13 The Chief Financial Officer has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure that proper arrangements are made for the Council's financial affairs. In addition, under the Accounts & Audit Regulations 2006 as the "responsible financial officer", he is required to determine the accounting control systems which shall include:
- "measures to enable the prevention and detection of inaccuracies and fraud,"

- "Identification of the duties of officers dealing with financial transactions and the division of responsibilities of those officers in relation to significant transactions."

The latter requirement is a key control in the prevention of impropriety.

- 4.14 The Council's aim is to have sound financial systems and procedures that incorporate efficient and effective internal controls. As part of the Strategy, the "separation of duties" should be considered as a fundamental control in systems, especially when involving significant transactions.
- 4.15 Under the Council's Financial Regulations, the Corporate Director is responsible for ensuring that adequate controls are in place. The existence, appropriateness, and effectiveness of these internal controls is independently monitored and reported upon by the Council's Internal Audit, Risk & Fraud Section and the External Auditor.
- 4.16 The Council develops and is committed to maintaining systems and procedures that incorporate efficient and effective internal controls including adequate separation of duties. These controls help prevent and detect irregularities occurring. Corporate Directors and their Managers are required to ensure that controls are properly maintained and documented within their areas of responsibility.

### **Complaints Procedure**

- 4.17 The Council has established procedures for dealing with and monitoring complaints from the public. Members of the public may refer complaints to the Local Government Ombudsman for investigation where they are not happy or satisfied with the Council's handling of the complaint. Where a complaint indicates possible fraud or corruption, it is referred to the Audit, Risk & Fraud Manager for investigation.

### **Partnerships with Others**

- 4.18 The Council has a variety of arrangements in place with other agencies to encourage and facilitate the exchange of information and investigation in relation to the detection and prevention of fraud and corruption. These include arrangements with the following:
- Audit Commission
  - External Auditor
  - Department for Work & Pensions
  - The Police
  - National Anti-Fraud Network
  - Social Housing Landlords

The Council expects all its partners to operate to the same high standards as itself with relation to Anti-Fraud & Corruption.

- 4.19 The Council operates the Housing Benefit Verification Framework in line with Central Government initiatives to reduce fraud and error.
- 4.20 The Council has a Benefit Fraud Hotline, an on-line fraud referral form and a dedicated e-mail address in order to allow members of the public to report individuals suspected of abusing the benefits system.

## **Standards Complaints**

- 4.21 Any complaint of alleged Member misconduct or fraud that constitutes a breach of the Council's adopted Code of Conduct for Members should be made to the Council's Monitoring Officer for local assessment and determination.

## **Data Matching**

- 4.22 Data matching is the comparison of personal data held in different systems. One important use of data matching is the identification of potential fraud, but it can also be used to ensure that clients receive all their entitlements and are a useful tool in ensuring that data is held in standardised format.
- 4.23 Examples of data matching on a large scale are the Audit Commission's National Fraud Initiative (NFI) and the Department for Work & Pensions Housing Benefit Matching Service (HBMS). This Council subscribes to both of these initiatives.
- 4.24 The stated purpose of the NFI is to assist auditors in their assessments of the arrangements that have been put in place by management to prevent and detect fraud and corruption and to enable management to detect fraud. It now includes the matching of data provided on a voluntary basis by a number of organisations, including some bodies that are not audited under the auspices of the Audit Commission (e.g. some Housing Associations).
- 4.25 At a local level, auditors can examine or compare records and data from different sources to test controls in financial systems and to carry out substantive tests on the validity of individual transactions and financial statements as a whole. This includes the use of computer assisted audit techniques (CAAT's) to compare or match data within individual computer files or between different data sets.
- 4.26 All auditors have a responsibility to plan their audits to have a reasonable expectation of detecting material mis-statements resulting from error, fraud or irregularity. However, the Statement of Auditing Standards (specifically SAS 110) issued by the Auditing Practices Board clearly establishes that the primary responsibility for the prevention and detection of fraud rests with the management of audited bodies, not the auditor.

## **Housing Benefit and Council Tax Reduction Scheme Fraud**

- 4.27 Fraud against the Benefit & Reduction Schemes is the single most common occurrence of fraud within a local authority. In view of this, a dedicated Housing Benefit & Council Tax Reduction Scheme Anti-Fraud Protocol has been designed for this service area.
- 4.28 There are dedicated officers whose role it is to investigate allegedly fraudulent Housing Benefit claims and Council Tax Reduction Scheme claims. The identification of fraud arises from several different areas which include:-
- referrals from benefit assessment officers
  - information from other sources – such as the public
  - data matching within the Council and with other organisations
  - pro-active investigations into specific areas

## **Risk Management**

- 4.29 Effective Risk Management is a key dimension of the Councils corporate governance arrangements and the Council, via its Risk Management Policy, has defined Risk management as a systematic and iterative approach to assessing and addressing risk. Risk mitigation measures will be put in place in areas where the unacceptable exposure to risk has been highlighted.

- 4.30 Each service function should be assessed on a regular basis to identify areas of particular operational risk, including where appropriate an assessment of susceptibility to fraud or corruption. This will highlight any operational areas where the environment is more prone to abuse, and thereby identify areas worthy of specific fraud or corruption preventative initiatives for prioritisation purposes. Managers have a responsibility to act to manage identified risks.
- 4.31 The identification of the risks in these areas allows the implementation of control measures to reduce both the likelihood and impact of fraud and corruption.

### **Money Laundering**

- 4.32 The effect of the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003 is that the Council is required to report to the National Crime Agency (NCA) any circumstances about clients' business that tends to make them "know or suspect or have reasonable grounds for knowing or suspecting that a crime has been committed [by a client]". If the Council fails to do so, then the Council would have committed a criminal offence and consequently senior officers will face the sanction of fines and/or imprisonment.
- 4.33 This will impact on the way the Council operates and any crimes, however small, shall have to be reported. All reports must be made in the strictest confidence and the Council cannot inform its customers or clients, either directly or indirectly, that a report has been made. Consequently, Council staff may not enter into any correspondence or discussions with clients regarding any issue that might arise in this context.
- 4.34 In responding to the possibility that a client may deliberately or inadvertently be involved in money laundering, the Council will be focusing on the following key areas:
- Assigning officers to manage the anti-money laundering processes within the Council;
  - Ensuring key staff are familiar with the requirements of the regulations and the Council's procedures;
  - Ensuring key staff have an understanding or expectation of how clients behave so that they proactively identify unusual activities; and
  - Satisfying itself as to the identity of clients where appropriate. To this end the Council has introduced rigorous procedures with respect to establishing identity where necessary and will keep a copy of the confirmatory evidence.

## **5. Detection and Investigation**

- 5.1 It is the responsibility of Senior Management to prevent and detect fraud and corruption.
- 5.2 In addition, Internal Audit and External Audit will liaise closely and implement a cyclical programme of audits which will test for fraud and corruption.
- 5.3 However, despite the best efforts of managers and auditors, many frauds are discovered by chance or "tip-off" (reported via a dedicated phone line – 0800 0158995, a dedicated e-mail address: [fraud.investigations@wycombe.gcsx.gov.uk](mailto:fraud.investigations@wycombe.gcsx.gov.uk)). It is often the alertness of employees and the public that enables detection to occur.

- 5.4 The Anti-Fraud & Corruption Policy Statement provides a clear path for raising concerns and facilitating "tip-offs", and the fraud-response arrangements, outlined in the Strategy, enable such information or allegations to be properly dealt with (apart from Whistle Blowing concerns). The Council's "Whistle blowing" Policy also gives advice on how to raise a concern and the safeguards and support that are available to those that raise concerns.
- 5.5 Financial Regulations require officers to report all suspected irregularities to the relevant Corporate Director, the Chief Executive, Head of Service or the Audit, Risk & Fraud Manager.
- 5.6 Senior Management is responsible for following up any allegation of fraud or corruption that they receive; this they can do by immediately informing the Audit, Risk & Fraud Manager. The investigating officer will:-
- deal promptly with the matter;
  - record all evidence that has been received;
  - ensure that evidence is sound and adequately supported;
  - make secure all of the evidence that has been collected;
  - where appropriate, contact other agencies, e.g. Police;
  - when appropriate, arrange for the notification of the Council's insurers;
  - report to senior management, and where appropriate, recommend that management take disciplinary action in accordance with the Council's Disciplinary Procedures.
- 5.7 Reporting suspected irregularities is essential to the Anti-Fraud and Corruption Strategy and ensures: -
- consistent treatment of information regarding fraud and corruption;
  - proper investigation by an independent and experienced audit team;
  - the proper implementation of a fraud response investigation plan;
  - the optimum protection of the Council's interests.
- 5.8 Depending on the nature and anticipated extent of the allegations, Internal Audit will normally work closely with management, personnel, legal etc., and other agencies, such as the Police. This is to ensure that all allegations and evidence are properly investigated and reported upon, and where appropriate, maximum recoveries are made for the Council.
- 5.9 The Council's disciplinary procedures will be used where the outcome of the Audit investigation indicates improper behaviour; "reasonable belief" is sufficient ground for dismissal, rather than absolute proof as in a court of law.
- 5.10 Where financial impropriety is discovered, the Council's presumption is that the Police will be called in. The Crown Prosecution Service determines whether or not a prosecution will be pursued. Referral to the Police is a matter for the Chief Executive; in practice, these duties are delegated to the Section 151 Officer. Various officers will be consulted during investigations and the Chief Executive must be kept informed of referrals to the Police. Referral to the Police will not inhibit action under the disciplinary procedure.
- 5.11 The Council's External Auditor also has powers to independently investigate fraud and corruption. This may or may not be done in conjunction with the Internal Auditors.

- 5.12 To protect privacy and comply with the Human Rights Act, all criminal investigation agencies will need to demonstrate that any intrusion into an individual's privacy is essential to an investigation. Where surveillance is considered appropriate it will be necessary for it to be approved by an Authorising Officer (Corporate Director or Head of Service) and then authorised by a Magistrate or Justice of The Peace before it can commence.
- 5.13 To ensure good practice, any surveillance carried out on the Council's behalf must be authorised to ensure necessity and proportionality, which are guiding principles under the Regulation of Investigatory Powers Act 2000 (as amended). To ensure compliance with the above act any hire of a private company for this area of work must be agreed with Internal Audit first.

## **6. Deterrence**

- 6.1 There are a number of ways to deter potential fraudsters from committing or attempting fraudulent or corrupt acts, whether they are inside and/or outside of the Council, and these include:-
- Publicising the fact that the Council is firmly set against fraud and corruption and states this at every appropriate opportunity – e.g., clause in contracts, statements on benefits claim forms, publications etc.;
  - Acting robustly and decisively when fraud and corruption are suspected and proven – e.g. the termination of contracts, dismissal, prosecution etc.;
  - Taking action to effect the maximum recoveries for the Council – e.g. through agreement, Court action, penalties, insurance etc.;
  - Having sound internal control systems, that still allow for innovation, but at the same time do not provide the opportunity for fraud and corruption.

## **7. Training**

- 7.1 It is recognised that well trained employees and members will contribute to the success of the Council's anti-fraud and corruption policy.
- 7.2 To facilitate this, induction will be used, particularly for employees involved in internal control systems, to ensure that responsibilities in this area are highlighted.
- 7.3 Investigation of suspected fraud and corruption is primarily carried out by auditors and fraud officers in the Internal Audit, Fraud & Risk team. Fraud officers will have responsibility for the investigation of benefit fraud. All of these officers will be adequately and regularly trained.

## **8. Conclusion**

- 8.1 The Council has in place a clear network of systems and procedures to assist it in the fight against fraud and corruption. It is determined that these arrangements will keep pace with any future developments, in both prevention and detection techniques, regarding fraudulent or corrupt activity that may affect its operation or related responsibilities.
- 8.2 To this end, the Council will maintain a continuous overview of these arrangements.
- 8.3 In response to the Bribery Act 2010, the Council has undertaken a review of its existing policies and procedures and has determined that a separate policy on the Bribery Act is not required as existing policies and procedures outlined in this Policy are considered sufficient and proportionate to the risks and activities undertaken by the Council.



## **F. The Public Interest Disclosure Act 1998**

### **“Whistle Blowing”**

#### **Confidential Reporting Policy**

##### **1. Introduction**

- 1.1. Employees might well be the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 1.2. The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment, we expect employees and others that we deal with who have serious concerns about any aspect of the Council's work to come forward and voice their concerns. It is recognised that most cases will have to proceed on a confidential basis.
- 1.3. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This Confidential Reporting Policy is intended to encourage and enable employees to raise concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside.
- 1.4. This policy applies to all employees and contractors working for the Council, for example, agency staff, work experience placements etc.
- 1.5. These procedures are in addition to the Council's complaints procedures and anti-fraud and corruption code of practice.
- 1.6. This policy has been considered by the Joint Staff and Equal Opportunities Committee and discussed with staff representatives.

##### **2. Aims and scope of this policy**

- 2.1. This policy aims to:
  - encourage employees to feel confident in raising serious concerns and to question and act upon concerns about malpractice.
  - provide clear avenues for employees to raise concerns and receive feedback on any action taken.
  - ensure that employees are aware of how to pursue their concerns and that they receive a response to them.
  - reassure employees that they will be protected when they raise concerns in good faith that they genuinely and reasonably believe to be true.
- 2.2. Existing procedures are in place to enable employees to lodge a grievance relating to their own employment. This Confidential Reporting Policy is intended to cover the following concerns.
  - that a criminal offence has been, is being or is likely to be committed
  - that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he or she is subject;

- that a miscarriage of justice has occurred, is occurring or likely to occur;
- that the health and safety of any individual has been, is being or is likely to be endangered.
- that the environment has been, is being or is likely to be damaged
- that information tending to show any of the above has been, is being or is likely to be deliberately concealed.

2.3. This policy does not replace the Corporate Complaints procedure.

### **3. Responsibility for the "Confidential Reporting Policy"**

3.1. The Chief Executive, Corporate Directors and Head of HR, ICT and Shared Support Services have overall responsibility for the maintenance and operation of this policy by maintaining a record of concerns raised and their outcomes (but in a form which does not endanger individuals confidentiality) and will report as necessary to the Council.

3.2. Members of the Council will refer any disclosures made to them to one of the officers referred to in 3.1 above and ensure that the "Confidential Reporting Policy" is followed.

### **4. Safeguards**

#### **Harassment or Victimisation**

4.1. The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is based on your reasonable belief, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

4.2. The Council will not tolerate any harassment or victimisation (including informal pressure) and will take appropriate action to protect you when you raise a concern in good faith.

4.3. Any investigation into allegations of potential malpractice will not influence or be influenced by any grievance, disciplinary or redundancy procedures that already affect you.

#### **Confidentiality**

4.4. All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

4.5. This policy encourages you to put your name to your allegation whenever possible.

4.6. Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion, the factors to be taken into account will include:

- the seriousness of the issues raised
- the credibility of the concern; and
- the likelihood of confirming the allegation from relevant sources.

## **5. Untrue allegations**

- 5.1. If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you.
- 5.2. Malicious allegations or those made for personal gain will be considered gross misconduct and will result in disciplinary action.

## **6. How to raise a concern**

- 6.1. As a first step, you should normally raise concerns with your immediate manager, Business Unit Manager, or Human Resources. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that a manager is involved, you should approach the Chief Executive, a Corporate Director, the Head of HR, ICT and Shared Support Services, the District Solicitor or Head of Internal Audit and Risk Management.
- 6.2. Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:
  - the background and history of the concern (giving relevant dates);
  - the reason why you are particularly concerned about the situation.
- 6.3. The earlier you express the concern the easier it is to take action.
- 6.4. Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.
- 6.5. Advice and guidance on how matters of concern may be pursued can be obtained from Human Resources or Internal Audit and Risk Management.
- 6.6. You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have the same experience or concerns.
- 6.7. You may invite a trade union representative, a professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

## **7. How the Council will respond**

- 7.1. The person you contact will consult, as an independent person, the Chief Executive, a Corporate Director or the Head of HR, ICT and Shared Support Services about your concern. The Chief Executive, a Corporate Director or the Head of HR, ICT and Shared Support Services will nominate an officer to investigate your concern. If urgent action is required, this will be taken before any further investigation is conducted.
- 7.2. The nominated officer will write to you within ten working days of the concern being raised and will give you an estimate of how long your concern will take to investigate and when you can expect a final response.
- 7.3. The amount of contact between the officer considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.

- 7.4. Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union representative, professional association representative or a friend.
- 7.5. Allegations of unlawfulness or maladministration may be referred to the District Solicitor as Monitoring Officer. Equally, allegations may be passed to the Police.
- 7.6. The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 7.7. The Council accepts that you need to be assured that the matter has been properly addressed. The nominated officer will write to you about the outcomes of the investigation, subject to any legal constraints.

## **8. How the matter can be taken further**

- 8.1. This policy is intended to provide you with an avenue within the Council to raise concerns.
- 8.2. If you are dissatisfied with the outcome having followed every step of this policy, and you feel that in all the circumstances it is reasonable to take your concern outside the Council, you may wish to contact one of the following organisations.
  - Public Concern at Work
  - Professional bodies or regulatory organisations
  - Your Trade Union
  - Elected Members
  - The Citizens Advice Bureau
  - The Local Government Ombudsman
  - The Audit Commission
- 8.3. The Public Interest Disclosure Act 1998 protects employees making external disclosures where, in all the circumstances, it is reasonable to make the external disclosure and the disclosure is not made for personal gain. Compliance with the internal policy, action (or lack of action taken by the Council following the internal disclosure) and the nature of the allegation (including the person the allegation is made against) will be taken into account when deciding "reasonableness."
- 8.4. Malicious allegations will be considered gross misconduct and will result in disciplinary action.

## **G. Employees' Code of Conduct**

# **Employees' Code of Conduct**

|  |               |
|--|---------------|
| Lead officer:                                | John McMillan |
| Policy Approved by:                          | Council       |
| Date Policy Approved:                        | 2 July 2012   |
| Implementation date:                         | 23 July 2012  |
| Review date:                                 | August 2015   |
| Date Equality Impact Assessment carried out: | 1 May 2012    |

## 1. Introduction

### 1.1 Purpose of the Code

To provide guidance for all employees of Wycombe District Council (the Council) on the standards expected of them in the performance of their duties.

The Code also reflects the Council's values by which it operates and which underpin, in the broadest sense, what the employer, employees and the public can expect in terms of delivery of services and standards of conduct. These are:-

- Working as a team to provide excellent services
- Continually improving our services for customers and communities
- Providing value for money by using our resources effectively and responsibly
- Treating everyone with respect, valuing and supporting them equitably and fairly.

### 1.2 Status of the Code

The Code has been developed to take account of the Council's corporate policies and encompasses the recommendations of the Nolan Committee's report on the Standards in Public Life which includes the "The Seven Principles of Public Life"; namely, selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

### 1.3 Scope of the Code

The Code applies to all Council employees. However, some of the issues covered by the Code will affect senior, managerial and professional employees more than it will others.

In addition, whilst the Code is primarily aimed at employees, the Council expects that any consultant, contractor, partner, temporary, casual and agency worker, who is engaged to carry out work or provide services on the Council's behalf, will abide by the principles of the Code. In the event that the Code is breached, the Council will give consideration to terminating the contract/ arrangement between the consultant/contractor/outside organisation etc and may seek compensation and, as appropriate, refer the matter to the police or other regulatory body.

## 2. Standards

The public is entitled to expect the highest standards of conduct from all Council employees. The role of employees is to serve the Council in providing advice, implementing policies and delivering services to the local community. Employees must perform their duties to the best of their abilities with honesty, integrity, impartiality and objectivity and contribute to the maintenance of high standards in public service.

An employee's off-duty hours are his/her personal concern but the employee should not put himself/herself in a position where duty and private interests conflict or where public confidence in the Council's business would be weakened. The Council will only take account of an employee's conduct outside of work in exceptional cases where it causes objective, significant, and direct harm to his/her ability to undertake the duties of their employment.

An example of such behaviour relates to employees facing criminal charges where the nature of the charges is directly relevant to his/her employment, for instance:- where arrest or conviction may result in a professional licence being taken away or driving offences if their job involves the use of a car/Council vehicle. Circumstances such as these may result in action being taken under the Council's Disciplinary Procedure.

During the course of their work, employees should at all times be aware of and comply with relevant legislation, have read and understood the conditions of service under which they are employed and comply with any other specific guidelines issued by their service. If an employee is a member of any professional institute or association they are obliged to comply with any code and/or standards of practice pertaining to that organisation.

In addition, whilst the Council does not apply a strict dress code, employees should be suitably dressed for their duties and responsibilities, including wearing council work clothes, if issued.

Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate level of manager any impropriety or breach of procedure. A separate whistle blowing policy has been developed to enable staff and others to voice any concerns.

### **3. Accountability**

Employees are accountable to, and owe a duty to the Council, as a whole, and must act in accordance with the principles set out in this Code and Council policies and procedures, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law.

### **4. Political Neutrality and Restrictions**

Employees serve the authority as a whole. It follows, therefore, that they must serve all councillors and not just those of any controlling group.

Some senior officers may be expected, within the Council's guidelines to advise political groups. They must do so in ways which do not compromise their political neutrality.

All employees, whether or not politically restricted, must follow all lawful policies of the Council and must not let their own personal or political opinions interfere with their work.

Where employees are politically restricted by reason of the post they hold or the nature of the work they do, they must comply with any statutory restrictions on their political activities.

### **5. Use of the Council's Financial and other Resources**

Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner and in line with the Council's Financial Regulations. They must not utilise property, vehicles or other facilities of the Council for personal use unless authorised to do so. At one level this means that equipment and stationery should not be used for personal use. At a higher level this means that in carrying out one's job care must be taken to protect the Council's interests, money and property and faults in equipment or potential fraud by others should be reported.

## 6. **Intellectual Property**

Intellectual property is a generic term that includes inventions and patents, creative writings and drawings and records, documents and other papers relating to the finance and administration of the Council. If these are created or acquired by the employee during the course of their employment then they will remain the property of the Council.

Knowledge and information held by the Council is equally the property of the Council and must not be used for the purposes of “outside” employment.

## 7. **Personal Interest**

Employees’ private lives are their own concern but they must not allow their private interests or beliefs to conflict with their professional, public duty. They must not misuse their official position or information acquired in the course of their employment to further their private interests or the interests of others. In particular they must comply with:-

- a. the Council’s rules in relation to the registration and declaration by employees of financial and non-financial interests,
- b. the Council’s rules on the declaration by employees of hospitality or gifts offered to or received by them, from any person or organisation doing or seeking to do business, or otherwise benefiting or seeking to benefit from a relationship with the Council. Employees must not accept benefits from a third party unless authorised to do so by the Council, and
- c. any service specific declarations e.g. Planning; in relation to making or commenting on planning applications as set out in the Council’s Planning Matters Guidance Note (see Part 5D) or declarations in relation to Revenues and Benefits etc.

In line with the Council’s guidance on Registration of Interests, Gifts and Hospitality, employees are required to formally notify their line manager of any personal interests by completing a standard form which will be passed to the Head of Democratic, Legal and Policy Services to be held on a “Register of Interests”.

## 8. **Corruption**

Employees must be aware that it is a serious offence for them to corruptly receive or give any gift, loan, fee or reward or advantage for doing, or not doing anything or showing favour or disfavour to any person in their official capacity. In the event that any such allegation should be made it will be investigated and may be subject to disciplinary action.

In addition, all employees and associated persons acting on behalf of the Council, are prohibited from offering, promising, giving or accepting any bribe either within the Council or from or to a third party organisation, in accordance with sections 1 and 2 of the Bribery Act 2010. Such bribes may relate to the improper performance of duties to gain advantage for the Council or personal advantage, financial or otherwise, for the individual, or anyone connected with the individual.

Employees have a responsibility to be aware of and comply with the Council’s Anti-Fraud and Corruption Policy.



## 9. **Appointment of Staff and other Employment Matters**

Employees involved in appointments should ensure that they are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant or have a close personal relationship outside work.

Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

## 10. **Outside Commitments**

Those employees whose post is graded 5 or above, shall not engage in any other employment (paid or unpaid) without the prior approval of their Head of Service, in line with individual contracts of employment. This restriction is not intended to prevent employees from participating in social or charitable activities provided the involvement does not affect their ability to carry out their duties or present a potential conflict of interest.

## 11. **Relationships with Members, contractors, the public and other employees**

The Council is committed to creating an environment in which employees can work together in harmony and expect employees to behave in accordance with the Council's values.

Council employees are expected to deal with the public, Members, contractors and other employees courteously, sympathetically, efficiently, with respect and without bias.

Mutual respect between Council employees and Members is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors, and should therefore be avoided.

Employees who have or enter into a personal relationship with a Councillor or have a relationship or "interest" with a contractor or potential contractor of the Council, should declare this to their Line Manager and ensure that the declaration is included on the corporate 'Register of Interests'. Further information can be found in the Council's Member and Officer Relations Protocol (see Part 5C).

Finally, with the public interest in mind, the Council will take appropriate and commensurate action when close personal relationships at work (such as relatives or partners) with Members, contractors or employees have an actual or potential impact on service provision or where there is an actual or potential conflict of interest. Such action may include:- re-arranging the work, re-arranging the reporting relationship, moving one of the parties to another office or voluntary redeployment to another service.

In such circumstances, employees have a responsibility to disclose this relationship to their Head of Service who will consider the implications and any action that may need to be taken.

## 12. **Private Transactions**

Those employees who have private dealings with contractors and other suppliers of goods or services should avoid transacting any kind of private business with them by any means other than normal commercial channels. No favour or preference as regards price or otherwise which is not generally available should be sought or accepted.

## 13. **Treatment of Information**

Openness in the dissemination of information and decision making is the norm in the way the Council functions. However, certain information may be confidential or sensitive and therefore not appropriate to a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies, information should not be released to anyone other than a Member, relevant council employee or other person who is entitled to receive it, or needs to have access to it for the proper discharge of their functions. Nothing in this Code can be taken as overriding existing statutory and common law obligations to keep certain information confidential, or to divulge certain information. If in doubt as to whether someone is entitled to certain information, please seek advice from the District Solicitor.

## 14. **Computer Security and Usage and Data Protection**

Use of the Council's equipment, systems and network is provided as part of an individual's role. It is essential that the data that is processed and stored and the systems used are adequately secured against risks such as operator errors, theft of equipment, unauthorised access to or copying of programmes or use of unauthorised software on Council systems.

Employees should be familiar with the relevant Council policies surrounding computer usage, data protection, internet access and electronic communications (Information Security Acceptable Use Guidelines). Misuse of the equipment, systems and network may be grounds for disciplinary action under the Council's Disciplinary Policy and Procedure.

## 15. **Whistleblowing**

In the event that a Council employee becomes aware of activities which he/she believes to be illegal, improper, unethical or otherwise inconsistent with this Code, the employee should report the matter, in the first instance to an appropriate senior manager; acting in accordance with their rights under the Public Interest Disclosure Act 1998 and with the Council's Whistleblowing Policy.

## 16. **Equality**

All employees have a duty to comply with the Council's Equal Opportunities policy and to promote equal opportunities within their own spheres of responsibility.

## 17. **Health and Safety**

The Council is committed to promoting a healthy and safe working environment. Each employee is expected to know and to follow all appropriate health and safety requirements and has an obligation to take reasonable care for his/her own safety and for the safety of others who may be affected by his/her acts/omissions.

## 18. **Breaches of the Code**

Failure to comply with this Code and associated Council policies may result in disciplinary action being taken under the Council's Disciplinary Procedure.

## **H. Scheme for the Enrolment of Honorary Aldermen**

### **1. Procedure**

- (a) Elections to the Roll of Honorary Aldermen will not take place every year, and nominations will only be accepted in exceptional circumstances and in accordance with the Council's agreed scheme.
- (b) Any name put forward must be proposed by a serving Member of Wycombe District Council and seconded by at least one other Member of the Council.
- (c) Any proposal must be submitted to the Chief Executive in writing, in order to enable informal discussion to take place with both Council Members and the proposed recipient.
- (d) If, following informal consultations, it appears to the Chief Executive in consultation with the Leader of the Council that there is majority support for the nomination he/she shall submit a report to the next Council meeting in order that the Council may indicate whether or not it wishes to offer election to the Roll of Honorary Aldermen to the proposed recipient.
- (e) Any election to the Roll of Honorary Aldermen will usually take place at a special Council meeting to be held immediately prior to the Annual Council meeting in May. However, if at least 5 Members of Council so request, an Extraordinary meeting of the Council may be called for the purpose of enrolment of an Honorary Alderman immediately prior to any Council meeting, following the Council signifying its agreement to such an offer, and the proposed recipient signifying his consent, as set out in (e) above.

### **2. Qualifications Required for Enrolment**

- (a) The Council may, in accordance with Section 249 of the Local Government Act 1972, and the provisions of this scheme, elect a person to the position of "Honorary Alderman".
- (b) An Honorary Alderman shall enjoy only those rights or privileges conferred by Section 249 of the Act and this scheme.
- (c) The Head of Democratic, Legal and Policy Services shall keep a list to be called "The Roll of Honorary Aldermen" of those who have been elected to the position of Honorary Aldermen. Such list shall be printed in the Year Book and Diary issued by the Council.
- (d) A person shall be deemed eligible to be enrolled as an Honorary Alderman provided that the person:
  - is not a serving Member of Wycombe District Council
  - has served as a Member of the District Council for at least 15 years in total
  - has given exceptional service during that period.

### **3. Method of Enrolment**

- (a) No person who has one or more of the above qualifications shall be enrolled automatically as an Honorary Alderman but only in accordance with the procedure set out above.

- (b) Formal election to the Roll of Honorary Alderman shall be by a resolution of the District Council passed by not less than two thirds of the Members present and voting thereon at a meeting of the Council specially convened for the purpose with notice of the object.

#### **4. Withdrawal of the title and its privileges**

- (a) The position of Honorary Alderman is awarded for exceptional service and is a non-political role. As such the Council considers that it is inconsistent for an Honorary Alderman to be politically active. In the event of an Honorary Alderman seeking election to the District Council, or any other Council within the area, he or she shall, from the time this scheme is adopted, cease to hold the position of Honorary Alderman if he or she is still standing as a candidate immediately following the deadline for withdrawal of candidature. At that time the entitlement to such rights and privileges attached to the position of Honorary Alderman shall cease automatically. The Chief Executive shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.
- (b) It shall be competent for the Council in any other particular case to withdraw the title of Honorary Alderman and the attached rights and privileges. Such withdrawal of the title shall be by way of formal motion to a meeting of the full Council, (the summons to which contains special notice that such withdrawal is proposed and the reason therefor) and subsequent resolution of the Council passed by not less than two thirds of the Members present and voting thereon at the meeting of the Council. On the passing of such resolution, the Chief Executive shall delete the name of the person concerned from the Roll of Honorary Aldermen and advise that person accordingly.

#### **5. Privileges**

An Honorary Aldermen shall be entitled to the following rights and privileges:

- To enjoy the courtesy title of Alderman and to be so addressed.
- In the event of the Council deciding to give some badge or emblem to Honorary Aldermen, to wear such badge or emblem on civic occasions.
- At each meeting of the Council to have seats reserved in the public gallery for the use of Honorary Aldermen.
- Use of the Members' Room in the District Council Offices.
- To receive a copy of each Council summons and a copy of the Council Year Book and Diary.
- To receive invitations to all civic and social events to which Members of the Council are invited.
- To walk in civic procession in a position immediately senior to serving Members.
- To be accorded the same honours on death by way of a Civic Funeral or Memorial Service as would apply in the case of a serving Member of the District Council.
- To enjoy such other privileges as the Council may confer upon them from time to time.

# I. The Public Sector Equality Duty of the Equalities Act 2010

The Public Sector Equality Duty part of the Equality Act 2010 (Section 149) came into force on 5 April 2011 and covers the 'protected characteristics' of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation. Local authorities are subject to the Public Sector Equality Duty (PSED) and under Part 1 of this are required to demonstrate 'due regard' to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard to the needs to:
  - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
  - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low. Foster good relations between persons who share a protected characteristic and those who do not share it. This includes having due regard to the need to tackle prejudice and to promote understanding.

(In relation to the protected characteristic or marriage and civil partnership a public authority subject to the PSED only needs comply with the first strand of the duty).

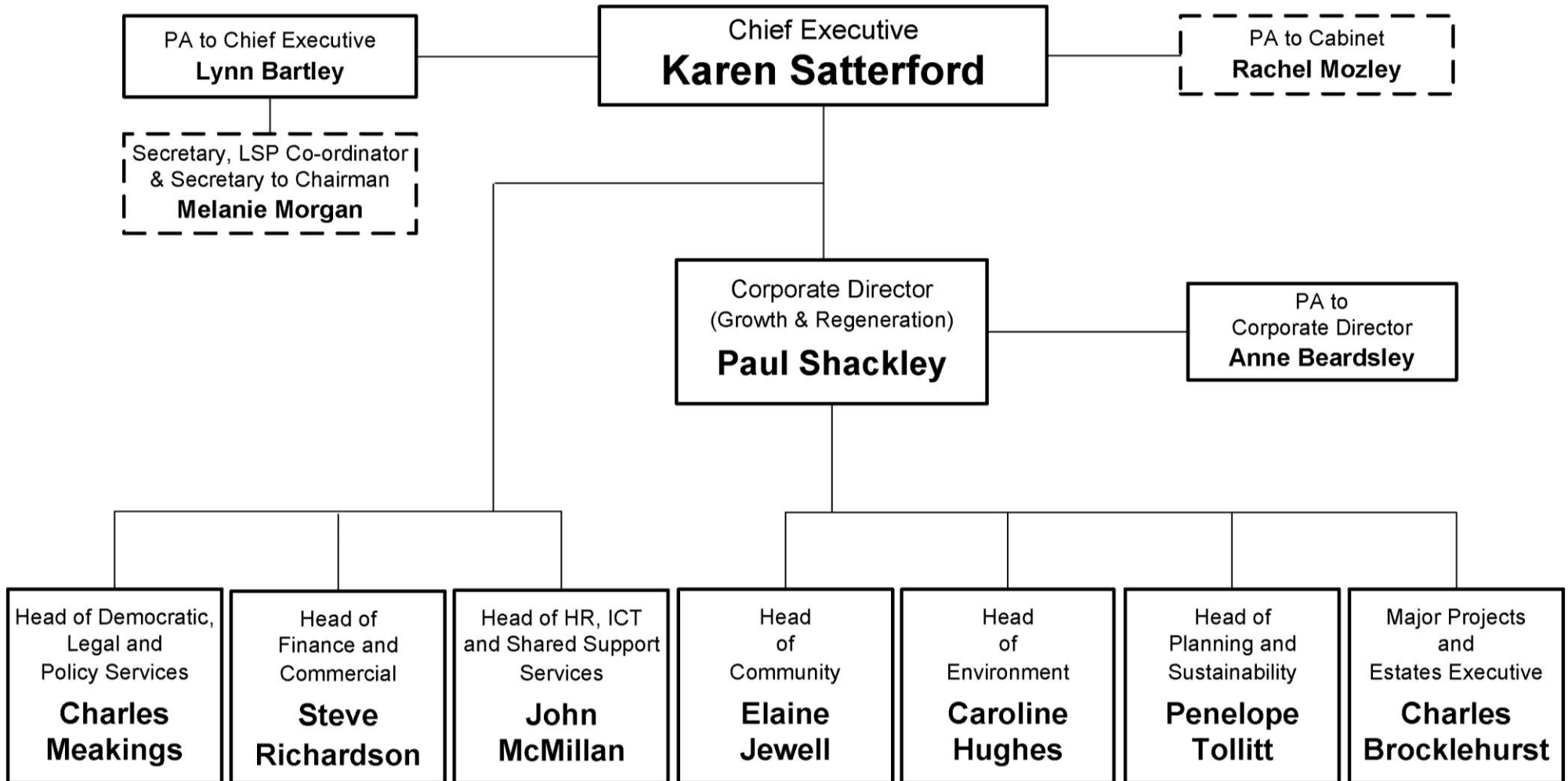
Compliance with the PSED may involve treating some people more favourably than others, but that is not to be taken as permitting conduct that would otherwise be prohibited by or under the Equality Act 2010.

# **PART 6**

## **Management Structure**

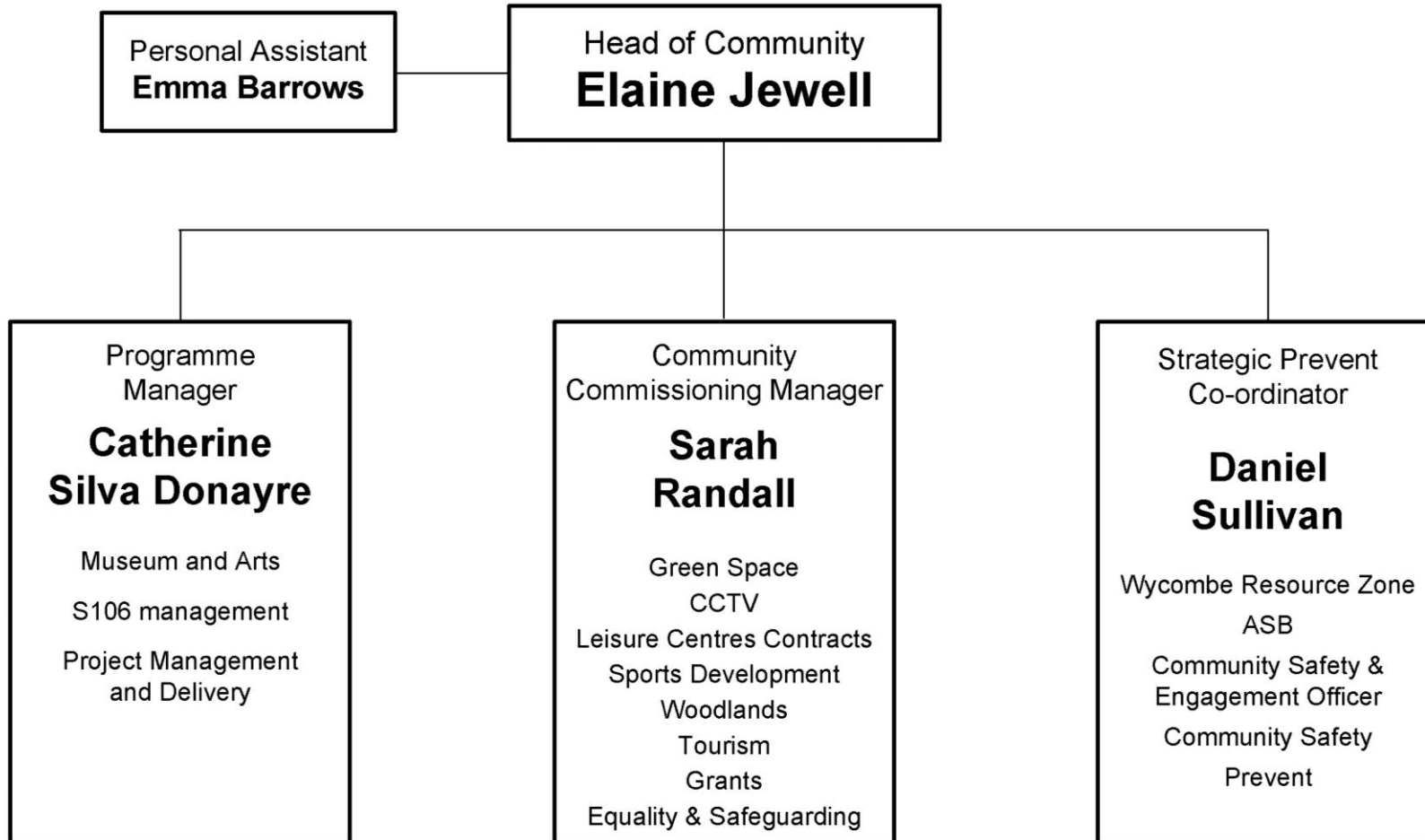
# WYCOMBE DISTRICT COUNCIL

## Chief Executives / Strategic Management Board (SMB)



# WYCOMBE DISTRICT COUNCIL

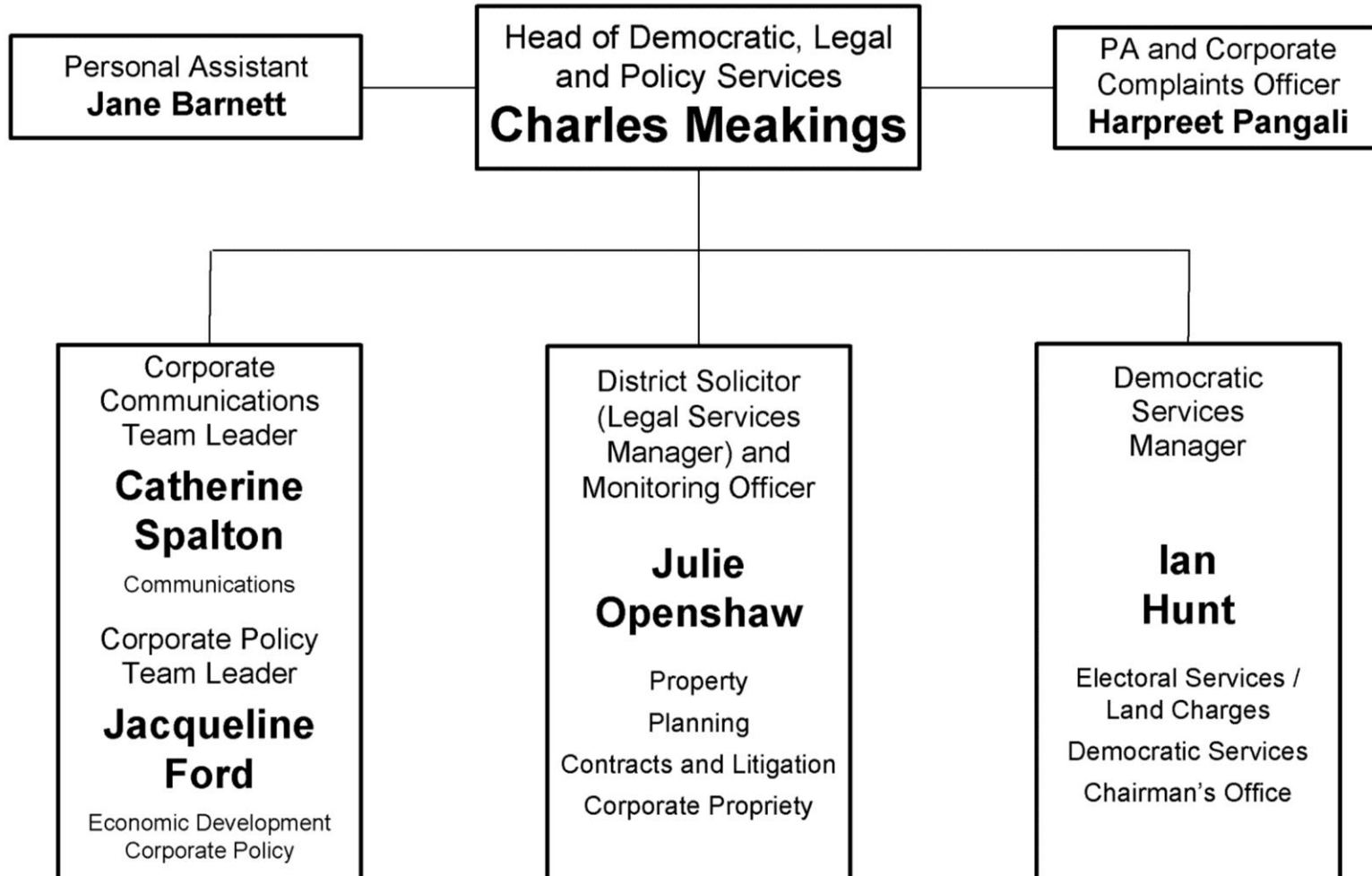
## Community





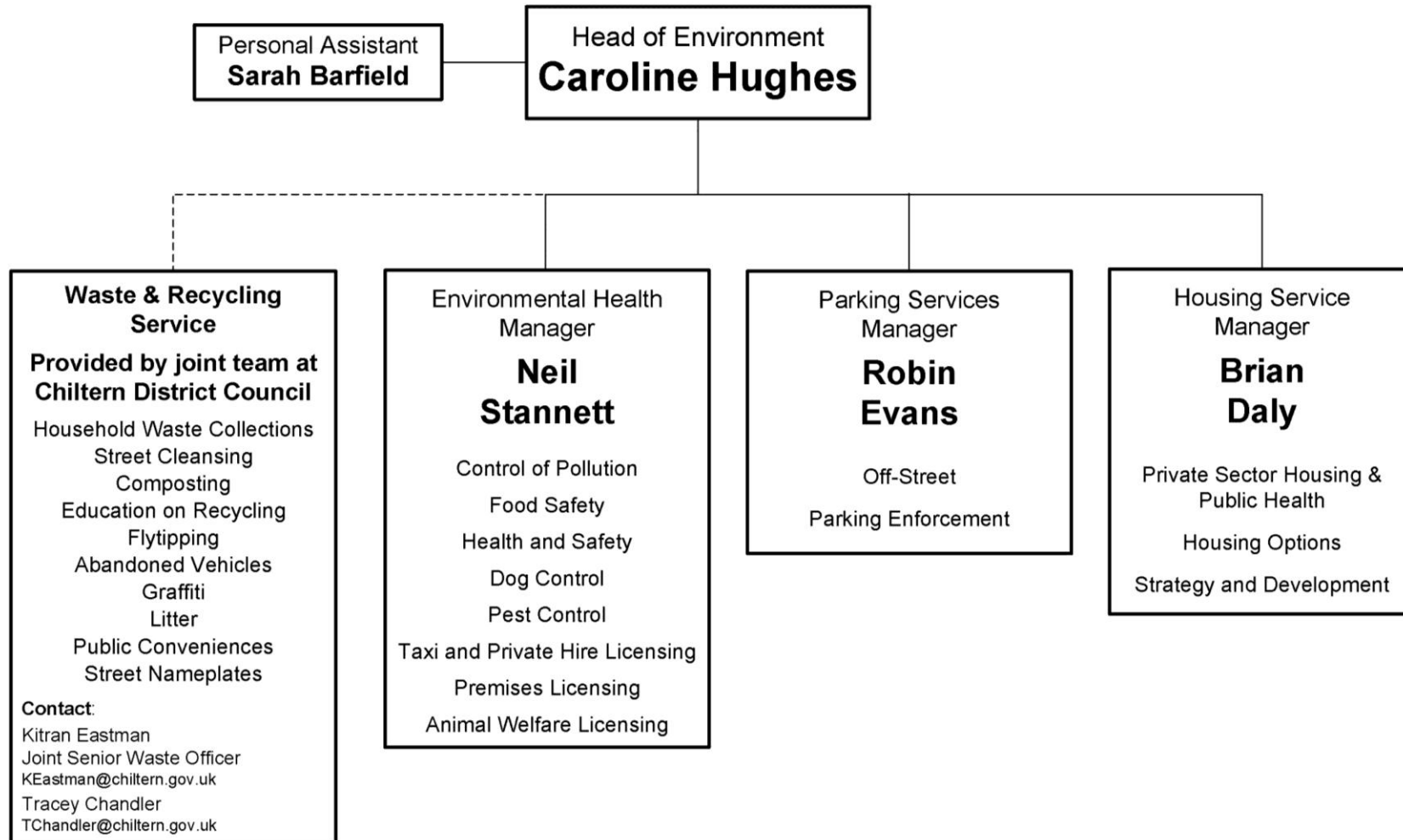
# WYCOMBE DISTRICT COUNCIL

## Democratic, Legal and Policy Services



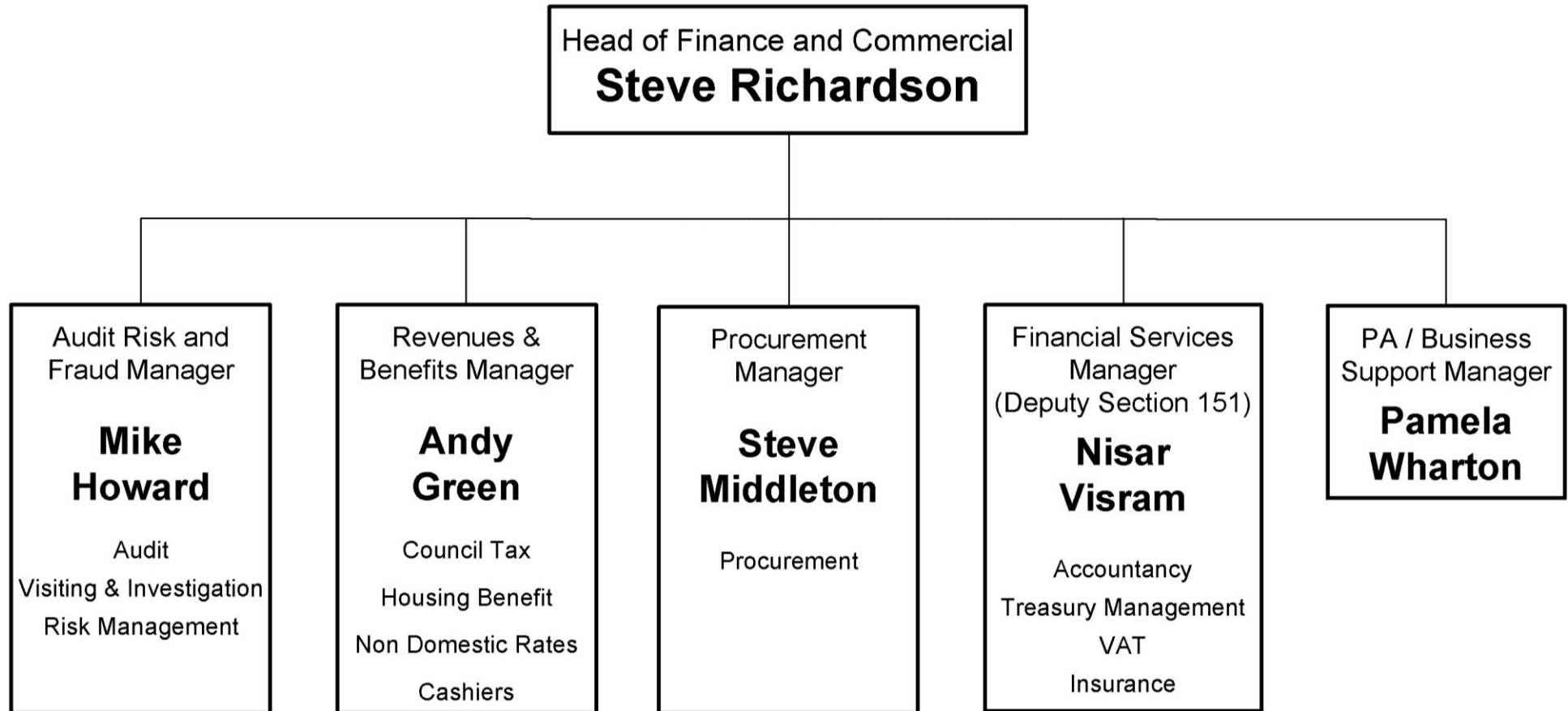
# WYCOMBE DISTRICT COUNCIL

## Environment



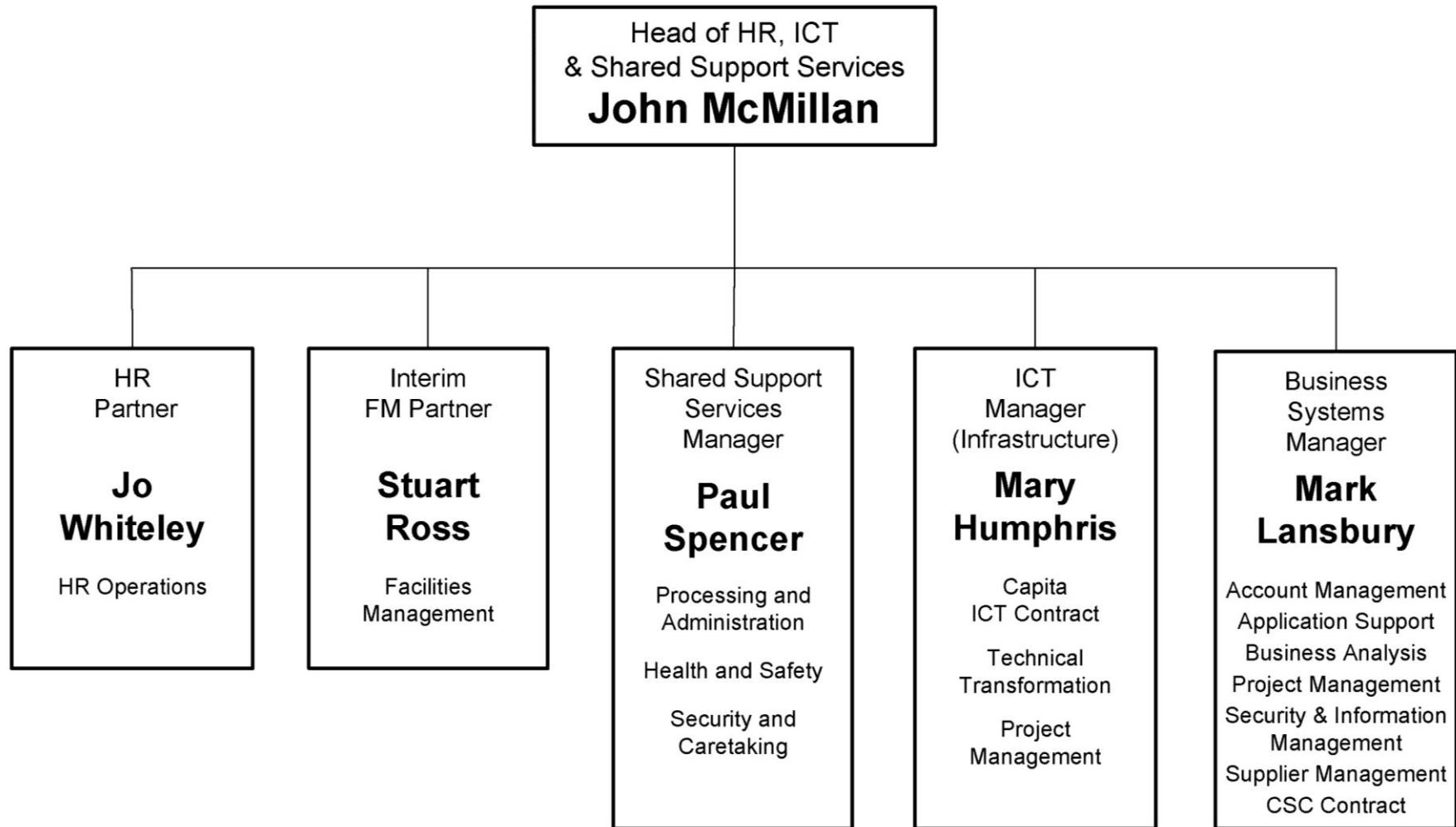
# WYCOMBE DISTRICT COUNCIL

## Finance and Commercial



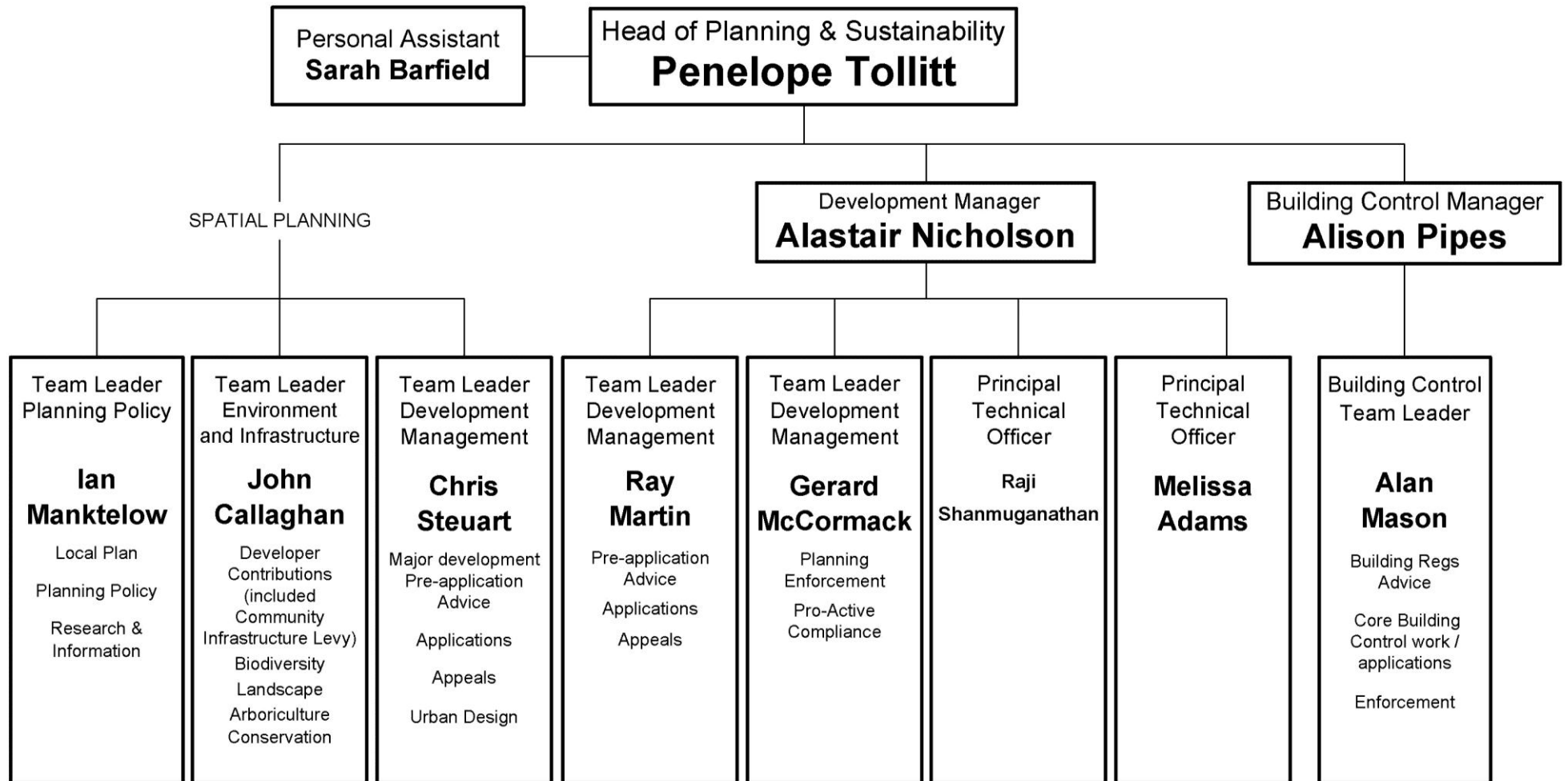
# WYCOMBE DISTRICT COUNCIL

## HR, ICT and Shared Support Services



# WYCOMBE DISTRICT COUNCIL

## Planning and Sustainability



# Wycombe District Council Member Structure

June 2015

