

Buckinghamshire Shadow Authority

CONSTITUTION

PART 1 - SUMMARY AND EXPLANATION

DRAFT

Part 1 - Constitution - summary and explanation

General

- 1 The Shadow Buckinghamshire Authority (“the Shadow Authority”) is an authority that has been created by the Buckinghamshire (Structural Changes) Order 2019 and the Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019 (“the structural change instruments”). It will operate as the Shadow Authority for a new local authority that will come into being on 1 April 2020, to be known as Buckinghamshire Council.
- 2 The Shadow Authority will exist for the period beginning with the day on which the structural change instruments come into force and ending on the fourth day after the 2020 Election Day (“the Shadow Period”). The first elections of the new Buckinghamshire Council will be held in May 2020.
- 3 As required under the Local Government Act 2000, the Shadow Authority has approved this Constitution which sets out:
 - how the Shadow Authority operates;
 - how its decisions are made; and
 - the procedures which will be followed.
- 4 Some of the processes in the Constitution are required by law, while others are considered by the Shadow Authority to be necessary to ensure that it operates effectively and efficiently; and in the interests of the people it serves.

The Constitution and its Content

- 5 The Constitution is divided into five parts.

[Part 1](#) sets out an explanation of what the Shadow Authority is and how it works.

[Part 2](#) sets out the formal articles of the Constitution:

[Article 1](#) - The Constitution;

[Article 2](#) - The Shadow

Authority;

[Article 3](#) - Rights and Responsibilities of members of the public;

[Article 4](#) - The Full Shadow Authority;

[Article 5](#) - The Role of the Chairman;

[Article 6](#) - Overview and Scrutiny Committee;

[Article 7](#) - The Shadow Executive;

[Article 8](#) - Other Committees

[Article 9](#) - Joint Arrangements

[Article 10](#) - Arrangements for promoting good standards of behavior by Members;

[Article 11](#) - Officers;

[Article 12](#) - Decision Making;

[Article 13](#) - Legal Matters; and

[Article 14](#) - Review, Revision, Suspension, Interpretation and Publication of the Constitution.

[Part 3](#) sets out the responsibility of bodies and individuals for various functions carried out by the Shadow Authority in relation to the exercise of its powers.

[Part 4](#) contains the Rules of Procedure which are designed to regulate the conduct of the Shadow Authority's business to ensure decisions are made in accordance with the law and the wishes of the Shadow Authority.

[Part 5](#) includes the Code of Conduct for Shadow Members, which is designed to ensure that Members carry out their duties to the highest ethical standards. It also includes a protocol on Member/Officer Relations.

[Part 6](#) covers the Scheme of Shadow Members' Allowances. Part 3 Article 6. (19) and Article 8.(5) of the Buckinghamshire (Structural Changes) Order 2019 provides that the Shadow Authority has to prepare and adopt a scheme for the payment of allowances to its members.

The Shadow Authority and how it operates in making decisions

All the Members who are elected to Aylesbury Vale District Council; Buckinghamshire County Council; Chiltern District Council; South Bucks District Council and Wycombe District Council will sit on the Shadow Authority. The Members will continue in office after 1 April 2020 when a new local authority to be known as Buckinghamshire Council will come into existence before retiring from office on the expiry of the Shadow Period.

The role of the Shadow Authority is to:

- commence and sustain its running as a shadow authority;
- prepare for the assumption, as Buckinghamshire Council, of local government functions and full local authority powers on 1 April 2020;
- prepare budgets and plans required by Buckinghamshire Council when those functions are assumed; and
- liaise with other local authorities in its area to ensure continuity of the delivery of public services on and after 1 April 2020.

The Shadow Members are directly accountable to their constituents for the running of the Shadow Authority. Whilst Shadow Members have this very broad role, they have a duty to represent the interests of all their constituents. They also work closely with officers in developing the policies and strategies of the Shadow Authority and to ensure that services are delivered in accordance with the Shadow Authority's wishes.

The Shadow Authority will meet on a number of occasions during the Shadow Period. Meetings are open to the public, but the public may be excluded where an item of a confidential or exempt nature is being discussed.

At its first meeting, the Shadow Authority will appoint its Chairman and Vice-Chairman; the Shadow Executive; and the Chairmen and Vice-Chairmen of any additional Committees, Sub-Committees and/or Special Committees. It will also agree the range of responsibilities to be exercised by Shadow Members individually or collectively. All these individuals and bodies are directly accountable to the Shadow Authority.

The Shadow Executive is that part of the Shadow Authority which is responsible for

most of the day-to-day decisions. The Shadow Executive comprises 17 Shadow Members nominated in accordance with Part 3 Article 6.(2) of the Buckinghamshire (Structural Changes) Order 2019 and appointed to the Shadow Executive by the relevant Councils.

The Leader of the Shadow Executive will be the person who at any time is the elected Leader of the County Council. The Leader of the Executive will have the same powers as a Council Leader in accordance with the provisions of the Local Government Act 2000. A second Member will be elected from among the District Council nominated members of the Executive Committee to be the Deputy Leader. In the absence of the Leader, the Deputy Leader will assume the powers of the Leader including the powers of a Council Leader as set out above. The Leader and Deputy Leader will be the Council Leader and Deputy Leader of the Shadow Authority.

Any Key Decisions to be made by the Shadow Executive are published on a monthly basis in the Shadow Executive's Forward Plan which looks at the forthcoming four-month period. It is not always possible to anticipate all the items to be included in the Plan. However, in cases where this is not possible, items will be added to the Plan at the next date of publication. Special arrangements apply where a matter is urgent or cannot be included in the Plan.

The Shadow Authority's Overview and Scrutiny arrangements ensure that Shadow Members who are not on the Shadow Executive can be involved in Shadow Executive decisions by questioning and making recommendations.

The Overview and Scrutiny arrangements will reflect as far as practicable the overall political proportionality of the Shadow Authority. Members of the Shadow Executive cannot sit on the Overview and Scrutiny Committee.

In performing their various roles, Shadow Members are supported by the Officers who give advice, implement decisions and manage the delivery of services. Officers ensure the Shadow Authority acts within the law and uses resources efficiently and effectively.

As the Shadow Authority is a public body, members of the public have a number of rights in their dealings with it. Whilst some are legal rights such as the right to film, audio record or to report on meetings, others will depend on the Shadow Authority's own processes. These rights are set out in Parts 2 and 4 of this Constitution.

The Constitution will be updated to reflect changes within the Shadow Authority, its procedures and processes.

PART 2 – ARTICLES OF THE CONSTITUTION

<u>Article 1</u>	-	<u>The Constitution</u>
<u>Article 2</u>	-	<u>The Shadow Authority</u>
<u>Article 3</u>	-	<u>Rights and Responsibilities of members of the public</u>
<u>Article 4</u>	-	<u>The Full Shadow Authority</u>
<u>Article 5</u>	-	<u>The Role of the Chairman of the Shadow Authority</u>
<u>Article 6</u>	-	<u>Overview and Scrutiny Committee</u>
<u>Article 7</u>	-	<u>The Shadow Executive</u>
<u>Article 8</u>	-	<u>Other Committees</u>
<u>Article 9</u>	-	<u>Joint Arrangements</u>
<u>Article 10</u>	-	<u>Arrangements for promoting good standards of behaviour by Shadow Members</u>
<u>Article 11</u>	-	<u>Officers</u>
<u>Article 12</u>	-	<u>Decision Making</u>
<u>Article 13</u>	-	<u>Legal Matters</u>
<u>Article 14</u>	-	<u>Review, Revision, Suspension, Interpretation and Publication of the Constitution</u>

Article 1 - The Constitution

1 Powers and Duties of the Shadow Authority

- 1.1 The powers and duties of the Shadow Authority are set down in Acts of Parliament and secondary legislation. The Shadow Authority will exercise those powers and duties in accordance with the law and its Constitution.

2 The Constitution

- 2.1 The Shadow Authority's Constitution includes all those parts listed in Part 1 – Summary and Explanation.

3 Purpose of the Constitution

- 3.1 The objectives of this Constitution are:
- (a) to support the Shadow Authority's preparations;
 - (b) to provide a framework for clear leadership to the community in partnership with its people, businesses and other organisations;
 - (c) to enable decisions to be taken efficiently and effectively;
 - (d) to provide a robust and effective overview and scrutiny function;
 - (e) to ensure that a decision will not be reviewed or scrutinised by anyone who was directly involved in making the decision; and
 - (f) to ensure that those responsible for decision making can be clearly identified by local people and that they can explain the reasons for their decisions.
- 3.3 The Shadow Authority will ensure that the articles, procedural rules and protocols in this Constitution reflect and deliver the objectives set out above.

Article 2 - The Shadow Authority

1 Composition

- 1.1 The Shadow Authority comprises all the Members who are the Members who were elected to Aylesbury Vale District Council; Buckinghamshire County Council; Chiltern District Council; South Bucks District Council and Wycombe District Council. Appendix 1 to this Article lists details of the Shadow Members and the area each represents. Further information on the Shadow Members can be found on the Shadow Authority's website.

2 Term of Office

- 2.1 Shadow Members' term of office will commence on the day after the day on which the Buckinghamshire (Structural Changes) Order 2019 is made and continue for the Shadow Period.
- 2.2 Where a casual vacancy occurs in the office of a Shadow Member on or before 30 September 2019, a by-election will be held and the person elected will become a member of the Shadow Authority on the date they are elected and will serve until the fourth day after the date of the 2020 election.
- 2.3 Where a casual vacancy occurs in the office of a Shadow Member on or after 1 October 2019, it will not be filled. However, if any such vacancy means that the total number of unfilled vacancies for any individual district or county council exceeds one third of that council's total membership, a by-election will be held to fill the vacancy. If there are 35 calendar days or fewer until the existing councils cease to exist (1 April 2020) then no by-election will be held.

3 Role of Shadow Members

- 3.1 Shadow Members will undertake the following roles:
- (a) as a body, they will: set the Shadow Authority's major plans, policies and strategies as required by law; perform those functions identified in the Buckinghamshire (Structural Changes) Order 2019; and take decisions on such matters as must be reserved to the full Shadow Authority by law or as provided for in this Constitution;
 - (b) oversee the Shadow Authority's strategic and corporate management;
 - (c) represent their communities and the views of their electorate in the decision-making process;
 - (d) support, as appropriate, individuals in their dealings with the Shadow Authority and represent them in seeking to resolve particular concerns or grievances;
 - (e) balance the different interests of people within their constituency with a view to representing their constituency as a whole;
 - (f) participate, as appropriate, in the decision-making, and overview and

scrutiny processes; and

- (g) maintain the highest standards of conduct and ethics and observe the Shadow Authority's Code of Conduct for Elected Shadow Members.

4 Shadow Members' Representational Roles

- 4.1 All Shadow Members represent their constituents and the Shadow Authority sees this as an important role and responsibility under this Constitution.
- 4.2 Shadow Members have an important job in consulting their communities on the development of policies, plans and strategies and other local initiatives.
- 4.3 The Shadow Authority will ensure in its processes that appropriate procedures are in place so that Shadow Members can contribute to the Shadow Authority's business on behalf of their local community both in terms of policy development and decision making.

5 Shadow Members' Rights

- 5.1 Shadow Members will have rights of access to any document, information, land or buildings of the Shadow Authority where this is necessary for the proper discharge of their functions as a Shadow Member and in accordance with the law and this Constitution.
- 5.2 A Shadow Member is not permitted to make available to the press or to a member of the public any information which he/she has been sent or given in whatever form and which is exempt or confidential information as defined in the Access to Information Procedure Rules which are set out in Part 4 of this Constitution.
- 5.3 A Shadow Member shall not divulge information given in confidence to anyone other than a Shadow Member or officer or other person legally entitled to know it.

6 Chairman and Vice-Chairman of the Shadow Authority

- 6.1 The Shadow Authority will elect, from amongst its number, at its first meeting, a Shadow Member to serve as Chairman of the Shadow Authority for the Shadow Period.
- 6.2 Similarly, the Shadow Authority will appoint the Vice-Chairman of the Shadow Authority for the Shadow Period.
- 6.3 Where a vacancy occurs in respect of either office the Shadow Authority will elect/appoint as appropriate a successor at its next meeting.
- 6.4 A member of the Shadow Executive cannot be elected or appointed as Chairman or Vice-Chairman of the Shadow Authority while serving on the Shadow Executive. Otherwise any Shadow Member is eligible for election as Chairman or Vice Chairman of the Shadow Authority.

- 6.5 Where the Chairman and Vice-Chairman of the Shadow Authority are both absent from a meeting of the Shadow Authority, or a part of it, the Shadow Authority will appoint one of their members, other than a member of the Shadow Executive, to preside.

7 Leader and Deputy Leader of the Shadow Authority

- 7.1 The Leader of the Shadow Executive will be the person who is the Leader for the time being of the County Council's executive unless the Shadow Executive decides that another member of the Shadow Executive is to be its Leader. The Deputy Leader will be elected, from amongst those members of the Shadow Executive who have been nominated by the District Councils, at the Committee's first meeting. The Leader and Deputy Leader will hold office in accordance with Part 3 Article 6 of the Buckinghamshire (Structural Changes) Order 2019.

8 Other Offices

- 8.1 The Shadow Authority will elect other Members to fill such other offices as it may determine from time to time in accordance with any requirements set out in law or this Constitution.

9 Conduct of Shadow Members

- 9.1 All Shadow Members are required, at all times, to observe the Shadow Members' Code of Conduct and to have appropriate regard to such other protocols, policies, guidance and advice as may be issued from time to time through the Shadow Authority's formal processes.

10 Shadow Members' Scheme of Allowances

- 10.1 All Shadow Members shall be entitled to receive such allowances as are laid down from time to time in the Shadow Members' Scheme of Allowances.

11 Shadow Member Support

- 11.1 The Shadow Authority will also provide support to Shadow Members as appropriate to enable them to fulfil their roles and responsibilities.

Article 2 - Appendix 1

MEMBERS OF THE SHADOW AUTHORITY

For the Buckinghamshire Area Council, the Shadow Buckinghamshire Authority comprises of all Members that currently serve on Aylesbury Vale District Council; Buckinghamshire County Council; Chiltern District Council; South Bucks District Council and Wycombe District Council. Contact details and further information about Members are available at (<https://shadow.buckinghamshire.gov.uk>).

Twin hatters are shown in grey

	AVDC	BCC	CDC	SBDC	WDC
Number of Wards:	33	49	25	12	28
Number of Members:	59	49	40	28	60
Names of Members: (as at 3 rd June 2019)	Brian Adams Chris Adams Mark Bateman Janet Blake Neil Blake Jenny Bloom Ashley Bond Steve Bowles Judy Brandis Cameron Branston Bill Chapple OBE Sue Chapple John Chilver Anders Christensen Andrew Cole Simon Cole Michael Collins Peter Cooper Ben Everitt Patrick Fealey Brian Foster Netta Glover Allison Harrison Mike Hawkett Tom Hunter-Watts Tuffail Hussain Andy Huxley Paul Irwin	Mike Appleyard Ralph Bagge Bill Bendyshe-Brown Patricia Birchley Janet Blake Steve Bowles Noel Brown Timothy Butcher David Carroll Bill Chapple OBE John Chilver Anders Christensen Charlie Clare Lesley Clarke OBE Alex Collingwood Anita Cranmer Isobel Darby Dev Dhillon Carl Etholen Barbara Gibbs Netta Glover Clive Harriss Darren Hayday Lin Hazell Arif Hussain Majid Hussain Niknam Hussain Paul Irwin	Alan Bacon Des Bray Julie Burton Jules Cook Emily Culverhouse Isobel Darby Mark Flys Christopher Ford Andrew Garth John Gladwin Mimi Harker OBE Graham Harris Murray Harrold Peter Hudson Carl Jackson Caroline Jones Peter Jones Robert Jones Jane MacBean Peter Martin Vanessa Martin Siddharth Patel Don Phillips Nick Rose Caroline Rouse Jonathan Rush Mark Shaw Nigel Shepherd	David Anthony Ralph Bagge Philip Bastiman Matthew Bezzant Malcolm Bradford Santokh Chhokar Dev Dhillon Trevor Egleton Barbara Gibbs Paul Griffin Barry Harding Lin Hazell Patrick Hogan Guy Hollis Jilly Jordan Paul Kelly Marlene Lewis Jacquetta Lowen-Cooper Dr Wendy Matthews Nick Naylor David Pepler John Read Roger Reed George Sandy Ray Sangster Damian Saunders Duncan Smith Luisa Sullivan	Julia Adey Shade Adoh Khalil Ahmed Zia Ahmed Mike Appleyard Mohammed Asif Dominic Barnes Andrea Baughan Steve Broadbent Suzanne Brown Harry Bull David Carroll Lesley Clarke OBE Marten Clarke Alex Collingwood Matthew Davy Carl Etholen Ray Farmer Ron Gaffney Sebert Graham Tony Green Gary Hall Mohammed Hanif Mark Harris Clive Harriss Muhammad Abdullah Hashmi Alan Hill

	Sally-Anne Jarvis Sandra Jenkins Raj Khan Roger King Steven Lambert David Lyons Angela Macpherson Timothy Mills Llew Monger Graham Moore Howard Mordue Susan Morgan Richard Newcombe Carole Paternoster Chris Poll Gary Powell Waheed Raja Michael Rand Scott Raven Susan Renshell Barbara Russel Mike Smith Mary Stamp Sir Beville Stanier Bt Peter Strachan Robin Stuchbury Derek Town Ashley Waite Julie Ward Warren Whyte Mark Winn	Raj Khan Steven Lambert Angela Macpherson Wendy Mallen David Martin Peter Martin Israr Rashid Roger Reed Brian Roberts David Shakespeare OBE Mark Shaw Luisa Sullivan Jean Teesdale Martin Tett Julie Ward Julia Wassell David Watson Warren Whyte Anne Wight Gareth Williams Katrina Wood	Linda Smith BEM Michael Smith Nick Southworth Mike Stannard Mark Titterington Diana Varley Nick Varley Heather Wallace Liz Walsh Jonathan Waters John Wertheim Fred Wilson	Arif Hussain Maz Hussain Mahboob Hussain JP David Johncock Audrey Jones Matt Knight David Knights Julia Langley Tony Lee Wendy Mallen Neil Marshall Hugh McCarthy Ian McEnnis Richard Newman Catherine Oliver Brian Pearce Graham Peart Rafiq Raja Sarfaraz Khan Raja Saeed Saddique John Savage Richard Scott David Shakespeare OBE Jean Teesdale Nigel Teesdale Alan Turner Paul Turner Julia Wassell David Watson Chris Whitehead Roger Wilson Katrina Wood Lawrence Wood
--	---	--	---	--

Date:3rd June 2019

Article 3 - Rights and responsibilities of Members of the Public

1 Rights

- 1.1 Members of the public have the following rights in regard to the affairs of the Shadow Authority:
- (a) access to information subject to such constraints as may be imposed, by law and as set out in the Access to Information Procedure Rules in Part 4 of this Constitution;
 - (b) to attend meetings of the Shadow Authority and its Committees and Sub-Committees except where exempt or confidential information is likely to be disclosed;
 - (c) to attend public meetings of the Shadow Executive except where exempt or confidential information is likely to be disclosed;
 - (d) to film, audio record or report on meetings of the Shadow Authority and its Committees and Sub-Committees and the Shadow Executive subject to guidelines published on the Shadow Authority's website and available at meetings;
 - (e) to have access to the Shadow Authority's Forward Plan of Key Decisions to be taken by the Shadow Executive;
 - (f) in accordance with the statutory framework to inspect reports, background papers and any records of decisions made by: the Shadow Authority; the Shadow Executive; a Committee; Sub-Committee; the Leader or a Portfolio Holder subject to the provisions on exempt or confidential information applying;
 - (g) in accordance with the statutory framework to inspect the Shadow Authority's Accounts and to make their views known to the external auditors where appropriate;
 - (h) to ask questions or present petitions at designated meetings in accordance with such procedures as the Shadow Authority may determine from time to time;
 - (i) to contribute to investigations by the Overview and Scrutiny Committee where invited to do so; and
 - (j) to complain to the Shadow Authority where there is an alleged breach of the Shadow Members' Code of Conduct.

Article 4 - The full Shadow Authority

1 Functions

- 1.1 The functions of the Shadow Authority are set out in the Buckinghamshire (Structural Changes) Order 2019 (“the 2019 Order”) and in relevant consequential orders.
- 1.2 Save to the extent any provision of any Act, the 2019 Order or regulations under sections 9D or 9DA of the Local Government Act 2000 require otherwise, then unless the Shadow Executive requests the Shadow Authority to discharge any function in accordance with Article 16 (3) of the 2019 Order, the functions of the Shadow Authority conferred on the Shadow Authority by or under the 2019 Order are delegated to the Shadow Executive.
- 1.3 The Shadow Authority will be responsible for the adoption of the Shadow Authority’s budget and policy framework. For these purposes the budget includes the setting of the council tax; and the policy framework means such plans and strategies as must by law be approved by the Shadow Authority.
- 1.4 The Shadow Authority also has the functions set out in Part 3 of this Constitution.

2 Shadow Authority Meeting

- 2.1 The first meeting of the Shadow Authority will be held within 14 days after the coming into force of the 2019 Order.
- 2.2 Ordinary meetings will be held according to a calendar of meetings to be agreed by the Shadow Authority and which will be published once agreed.
- 2.3 Extraordinary meetings may be called as and when required as provided in the Shadow Authority Procedure Rules.

3 Conduct of Shadow Authority Meetings

- 3.1 Shadow Authority meetings will be conducted in accordance with the law and the Shadow Authority Procedures Rules.

4 Responsibility for Functions

- 4.1 The Shadow Authority will maintain a record of those Shadow Authority functions which are the responsibility of its subordinate bodies.

Article 5 - The role of the Chairman of the Shadow Authority

- 1.1 The Chairman of the Shadow Authority is responsible for the following:
 - (a) upholding and promoting the purposes of this Constitution and interpreting it with appropriate advice when necessary;
 - (b) presiding over meetings of the full Shadow Authority to ensure that business is carried out efficiently and effectively whilst preserving the rights of Shadow Members and the interests of members of the public;
 - (c) ensuring that at Shadow Authority meetings matters of concern to local communities can be debated through the appropriate Shadow Members;
 - (d) ensuring that Shadow Members who are not on the Shadow Executive or who do not hold the Chairmanship of a main Committee are able to hold those office holders to account;
 - (e) promoting public involvement in the Shadow Authority's affairs and acting as a contact between members of the public and organisations and the Shadow Authority; and
 - (f) undertaking such other roles as may be placed upon the office from time to time by the Shadow Authority.
- 1.2 The Chairman of the Shadow Authority will not have any civic or ceremonial role or functions. These will remain with the Chairman of the five existing councils during the shadow period.
- 1.3 The Vice-Chairman will deputise in the absence of the Chairman in carrying out the responsibilities of the office of Chairman.

Article 6 – Overview and Scrutiny Committee

1 Overview and scrutiny

- 1.1 The Shadow Authority has established arrangements for the overview and scrutiny of decisions or other action taken by the Shadow Executive and others in accordance with the Local Government Act 2000 as applied by the Buckinghamshire (Structural Changes) Order 2019 (“the 2019 Order”). This Article sets out those arrangements. It should be read in conjunction with the Overview and Scrutiny Procedure Rules.
- 1.2 The Shadow Authority will keep under review its overview and scrutiny arrangements and will make changes where it considers these are appropriate and will lead to improvements and an improved overview and scrutiny function.

2 Responsibilities of the Overview and Scrutiny Committee

- 2.1 The Overview and Scrutiny Committee has the functions set out in Part 3 of this Constitution.

3 Membership of the Overview and Scrutiny Committee.

- 3.1 The Overview and Scrutiny Committee shall comprise 20 Shadow Members. The Chairman and Vice Chairman will be appointed at the first meeting of the Committee.
- 3.2 No member of the Shadow Executive or a substitute member of the Shadow Executive may be a member of the Overview and Scrutiny Committee. Neither the Chairman nor Vice-Chairman of the Shadow Authority may be a member of the Overview and Scrutiny Committee.
- 3.3 Any body established under these scrutiny arrangements will be a politically proportionate body reflecting the overall political representation on the Shadow Authority.

4 Conduct of Overview and Scrutiny Committee meetings

- 4.1 Conduct of the proceedings at Overview and Scrutiny Committee meetings shall be in accordance with the Shadow Authority and Overview and Scrutiny Procedure Rules as appropriate.

Article 7- The Shadow Executive

1 Role of the Shadow Executive

- 1.1 The Shadow Executive will carry out all of the Shadow Authority's duties and responsibilities which are not the responsibility of any other part of the Shadow Authority, whether by law or under this Constitution, and in particular it will carry out those duties and responsibilities of the Shadow Executive which are contained in the Buckinghamshire (Structural Changes) Order 2019 ("the 2019 Order").
- 1.2 The Shadow Executive will also exercise the functions of the Shadow Authority that are delegated to it by the full Shadow Authority under Article 16 (1) of the 2019 Order.
- 1.3 The Shadow Executive will be responsible for making recommendations to the Shadow Authority on the setting of a budget for the Buckinghamshire Council. It will be responsible for the appointment of and permanent Senior Officers in consultation with the Shadow Authority.

2 Composition of the Shadow Executive

- 2.1 The 2019 Order provides that the Shadow Executive is to consist of 8 persons nominated by Buckinghamshire County Council, each of whom is for the time being a member of that Council, and 2 persons nominated by each of the District Councils, each of whom is for the time being a member of the nominating Council.
- 2.2 The Leader of the Shadow Executive will be the person as detailed in the 2019 Order who is for the time being the Leader of the County Council. The Deputy Leader will be elected from amongst those members of the Shadow Executive who have been nominated by the District Councils, at the Committee's first meeting.

3 The Leader and Deputy Leader

- 3.1 The Leader and Deputy Leader will hold office until:
 - (a) he/she resigns from the office of Leader or Deputy Leader (as the case may be);
 - (b) he/she becomes ineligible to be a Shadow Member for a specific period or indefinitely;
 - (c) he/she ceases to be a Shadow Member; or
 - (d) he/she is removed from office by a resolution of the Shadow Executive.
- 3.2 Where there is a vacancy in the office of Leader, the Deputy Leader shall assume the responsibilities of the Leader until the next meeting of the

Shadow Executive, whether that be an Ordinary or Extraordinary meeting of the body.

- 3.3 Where both the Leader and the Deputy Leader cease to hold office at the same time, the Head of Paid Service shall call a meeting of the Shadow Executive as soon as possible for the purpose of electing a new Leader and Deputy Leader.

4 Other Shadow Executive Members

- 4.1 Other members of the Shadow Executive shall hold office until any of the events listed in paragraph 3.1 above for ending the term of office of the Leader apply to them collectively or individually as Shadow Executive Members.

5 Proceedings of the Shadow Executive

- 5.1 All proceedings of the Shadow Executive and its Committees shall be conducted in accordance with the Shadow Executive Procedure Rules set out in this Constitution.

6 Responsibility for Functions

- 6.1 The Leader can exercise any executive power. Alternatively, the Leader may arrange for the discharge of any executive functions by: the Shadow Executive; another member of the Shadow Executive; a committee of the Shadow Executive; or an officer of the Shadow Authority.
- 6.2 If the Leader is unavailable, absent or there is a vacancy in the post of the Leader, the Deputy Leader can exercise any executive power.
- 6.3 Unless the Shadow Executive requests the Shadow Authority to discharge any function in accordance with Article 16 (3) of the 2019 Order, the Shadow Executive can exercise any function of the Shadow Authority conferred on the Shadow Authority by or under the 2019 Order save to the extent any provision of any Act, the 2019 Order or regulations under section 9D or 9DA of the Local Government Act 2000 require otherwise.
- 6.4 Any Member of the Shadow Executive who has been allocated a portfolio by the Shadow Executive ("Portfolio Holder") can exercise any executive power that falls within that portfolio, the scope of which the Shadow Executive will determine. The Shadow Executive may amend or revise those portfolios at any time.
- 6.5 The Leader and Deputy Leader may have a portfolio responsibility.
- 6.6 The Leader, Deputy Leader, Shadow Executive and any Portfolio Holder can delegate powers to the extent as provided for in Part 1A of the Local Government Act 2000. The arrangements set out in this Constitution reflect those currently agreed. Further, the Shadow Executive can also delegate its powers to any Officer of the Shadow Authority, Buckinghamshire County Council and/or a District Council as defined in the 2019 Order.

- 6.7 The Leader will ensure that a record is kept of the Shadow Executive functions which are the responsibility of each Portfolio Holder, any committee or sub-committee of the Shadow Executive, or officers or under any joint arrangements.
- 6.8 Where a delegation arrangement is made under paragraph 6.6 above, it shall not preclude the body or person delegating the function, or part of it, from exercising that function on giving notice in writing to that body or person.

Article 8 - Other Committees

1 Other Committees

- 1.1 The Shadow Authority will appoint the following other Committees to take such decisions which are not within the responsibilities of the Shadow Executive:

Overview and Scrutiny Committee

20 Members

1.2

- 1.3 The Shadow Authority may appoint other Committees, Sub-Committees and Special Committees with delegated powers to act under specific terms of reference which must be set out in the Minutes.

- 1.4 To the extent that any committees are not exercising executive functions the provisions of sections 15-17 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 will apply to their membership.

2 Powers of Committees

- 2.1 The Committees shall have the functions set out in Part 3 of this Constitution.
- 2.2 A Committee may, at any time, decline to exercise a delegated power. The matter must then be considered and determined by the Shadow Authority as appropriate.

3 Conduct of Committee Meetings

- 3.1 Committee meetings will be conducted in accordance with the law and Parts B and C the Meeting Procedures Rules set out in Part 4 of this Constitution.

Article 9 – Joint Arrangements

9.1 There are no joint arrangements.

Article 10 - Arrangements for promoting good standards of behaviour by Members

1 Adoption of a code of conduct for Shadow Members

- 1.1 The Shadow Authority has adopted the Code of Conduct for Shadow Members set out in Part 5.

2 Application of the Code of Conduct

- 2.1 The Code of Conduct will apply to all Shadow Members when they are acting as a member of the Shadow Authority or hold themselves out as doing so.

3 Alleged breaches of the Code of Conduct

- 3.1 The arrangements for dealing with alleged breaches of the Code of Conduct are set out in Part 5 Appendix B.

Article 11 - Officers

1 Buckinghamshire (Structural Changes) Order 2019 (“the 2019 Order”)

- 1.1. Part 3 Article 7 of the 2019 Order makes provision for the Shadow Executive to designate officers to the posts of Monitoring Officer; Chief Finance Officer and to be its Head of Paid Service; and at any time before 1 April 2020 to appoint a person to become Buckinghamshire Council’s Monitoring Officer, Chief Finance Officer or Head of Paid Service.
- 1.2 The roles and functions of those officers are set out in the 2019 Order.
- 1.3 The Monitoring Officer may appoint, in writing, further deputies as he/she considers appropriate.
- 1.4 The Chief Finance Officer may appoint, in writing, a deputy as appropriate.

2 Functions of the Head of the Paid Service

- 2.1 The Head of the Paid Service will report to the full Shadow Authority on the manner in which the Shadow Authority develops its functions and the co-ordination of those functions. He/she also has statutory functions in relation to staff.

3 Functions of the Monitoring Officer

- 3.1 The Monitoring Officer will maintain an up-to-date version of the Constitution and will ensure that it is widely available for consultation by Shadow Members, staff and the public.
- 3.2 After consulting with the Head of Paid Service, the Monitoring Officer will report to the full Shadow Authority, (or to the Shadow Executive in relation to a Shadow Executive function), if he/she considers that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission would give rise to a finding of maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- 3.3 He/she will contribute to the promotion and maintenance of high standards of conduct.
- 3.4 He/she will provide advice to all Shadow Members on issues in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity.
- 3.5 He/she will discharge the statutory roles and responsibilities of Returning Officer and Electoral Registration Officer.
- 3.6 He/she will agree the Polling Districts and Polling Places for the Authority.
- 3.7 He/she will agree the election fees and charges order for all elections, including unitary and parish/town council elections.

4 Functions of the Chief Finance Officer

- 4.1 After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Shadow Authority (or to the Shadow Executive in relation to a Shadow Executive function) and the Shadow Authority's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Shadow Authority is about to enter an item of account unlawfully.
- 4.2 He/she in consultation will have overall responsibility for the administration of the financial affairs of the Shadow Authority.
- 4.3 He/she will contribute to the corporate management of the Shadow Authority, in particular through the provision of professional financial advice.
- 4.4 He/she will provide advice on issues to all Shadow Members in relation to the scope of powers and authority to take decisions, maladministration, financial impropriety and probity issues and will support and advise Shadow Members and officers in their respective roles.
- 4.5 He/she will provide financial information to the media, members of the public and the community.

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

- 5.1 The Shadow Authority will provide these officers with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed in their statutory roles.

6 Conduct

- 6.1 Officers will comply with any Protocol on Member/Officer Relations that has been adopted by the Shadow Authority.

7 Employment

- 7.1 The recruitment, selection and dismissal of officers will comply with the Staff Employment Procedure Rules as set out in this Constitution.

Article 12 - Decision Making

1 General

- 1.1 The Shadow Authority will keep an up-to-date record, which shall be available for public inspection, of who has responsibility for making decisions in relation to Shadow Authority functions and services.
- 1.2 All decisions of the Shadow Authority will be made in accordance with the law, this Constitution and the principles set out below.

2 Types of Decision and the Decision-Takers

- 2.1 The Shadow Authority will take all decisions which it has reserved to itself or which it is required to take by law.
- 2.2 The Shadow Executive will take all decisions including Key Decisions which it is required to determine as required by law or because the Shadow Authority has decided to delegate the matter to the Shadow Executive.
- 2.3 Other Committees, Sub-Committees, Officers of the Implementation Team and Officers of the Shadow Authority will take such decisions as are delegated to them by the Shadow Authority or the Shadow Executive.

3 Decision Making Procedures

- 3.1 In taking decisions the full Shadow Authority, the Shadow Executive, Overview and Scrutiny Committee, and other Committees and Sub-Committees will follow the Shadow Authority's Procedure Rules.

4 Definition of Key Decision

- 4.1 A Key Decision means:

“a decision which, is likely –

- (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority's budget for the service or function to which the decision relates; or
- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.”

In determining the meaning of “significant” for these purposes the Shadow Authority will have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the Local Government Act 2000 Act and the value of any decision under consideration (e.g. £1 million or above could be regarded as significant but this has to be considered in the context of the particular decision).

Article 13 - Legal Matters

1 Legal Proceedings

- 1.1 The Monitoring Officer is authorised to institute, defend or participate in any legal proceedings or to take such other action where such action is necessary to give effect to decisions of the Shadow Authority or in any case where he/she considers that such action is necessary to protect or further the Shadow Authority's interests.

2 Document Authentication

- 2.1 Where any document is necessary to any legal procedure or proceedings on behalf of the Shadow Authority, it will be signed by the Monitoring Officer or other person authorised by him/her unless any enactment otherwise authorises or requires, or the Shadow Authority has given requisite authority to some other person.
- 2.2 In the absence of any authority given to a specific officer, whether by this Constitution or in any other manner, all contracts entered into on behalf of the Shadow Authority may be signed by any one or more of the following:
- (a) the Head of Paid Service;
 - (b) the Monitoring Officer; and/or
 - (c) the Section 151 Officer.

3 Address for service of documents

- 3.1 Documents to be served on the Shadow Authority may be addressed to the Monitoring Officer at the main office of the Shadow Authority. For this purpose and all purposes connected with this Constitution the Shadow Authority's main office is at the main office of the Council employing the Head of Paid Service or the Head of Paid Service once employed by any of the Councils mentioned in Article 2 paragraph 1.1.

Article 14 - Review, Revision, Suspension, Interpretation and Publication of the Constitution

1 Review

- 1.1 The Appointed/ Monitoring Officer and Chief Finance Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

2 Changing the Constitution

- 2.1 The:

- (a) Shadow Authority;
- (b) Leader; and
- (c) Shadow Executive,

may all authorise changes to the Constitution to the extent that the Buckinghamshire (Structural Changes) Order 2019 ("the 2019 Order") and the law allows.

- 2.2 The Monitoring Officer may make amendments to the Constitution:

- (a) to give effect to a decision made by the relevant decision making body or officer having power to make that decision
- (b) where he/she considers this necessary and/or expedient to reflect legislative change, secure consistency, address any legal ambiguity and/or other legal issue and/or address any uncertainty in interpretation; or
- (c) for any other reason, provided that any such amendment does not seek to remove any reserved power of the Shadow Authority and/or the Shadow Executive and confirmation of such amendments are reported to the next available meeting of the Shadow Executive.

3 Suspension of the Constitution

- 3.1 The Articles of this Constitution may not be suspended. However, the Procedure Rules set out in this Constitution may be suspended by the full Shadow Authority to the extent permitted within those Rules and the law.
- 3.2 A motion to suspend any rules cannot be moved without notice, unless at least one half of the whole number of Shadow Members is present. The extent and duration of suspension will be proportionate to the result to be achieved, taking into account the purposes of the Constitution set out in Article 1.

4 Interpretation

- 4.1 The ruling of the Chairman of the Shadow Authority as to the construction or application of this Constitution or as to any proceedings of the Shadow Authority shall not be challenged at any meeting of the Shadow Authority. Such interpretation will have regard to the purposes of this Constitution.

5 Publication

- 5.1 The Monitoring Officer:

- (a) will give each Shadow Member access to an electronic copy of this Constitution;
- (b) will ensure that a copy of this Constitution is made available on the Shadow Authority's website;
- (c) will ensure that copies are available for inspection at the Shadow Authority's Main Office, and other appropriate locations;
- (d) will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary; and
- (e) will provide to any Shadow Member, upon request, a copy of the Constitution.

PART 3 - RESPONSIBILITY FOR FUNCTIONS

Responsibility for Functions

1 General

1.1 The Shadow Authority has the functions set out in Part 3 of the Buckinghamshire (Structural Changes) Order 2019 (“the 2019 Order”) and in particular it will have the following responsibilities:

- (a) to commence and sustain its running as a Shadow Authority;
- (b) to prepare the Shadow Authority for the assumption of local government functions and full local authority functions and powers on 1 April 2020;
- (c) to prepare any budgets or plans required beyond 1 April 2020 when those functions and powers are assumed;
- (d) to liaise with Aylesbury Vale District Council; Buckinghamshire County Council; Chiltern District Council; South Bucks District Council and Wycombe District Council for the purposes of ensuring continuity of public service delivery on and after 1 April 2020;
- (e) to take all such practical steps as are necessary or expedient to liaise with the other local authorities within its area for the purposes of ensuring continuity of public service delivery on and after 1 April 2020; and
- (f) to exercise any of the Local Government Act 1972 functions referred to in, and in accordance with, Part 3 of the 2019 Order.

The powers and functions of the Shadow Authority are therefore limited and, consequently, the powers and functions of its Shadow Executive, committees, sub-committees and other decision-making bodies are similarly limited. The responsibilities for functions described in this Part of the Constitution must therefore be considered in this context. Until 1 April 2020, the county council and the district councils within the Shadow Authority’s area will continue to have responsibility for local authority functions within their areas.

1.2 The Shadow Authority is required in this Constitution to set out the allocation of responsibilities for its functions.

1.3 The following paragraphs cover functions which are:

- (a) the responsibility of the Leader and the Shadow Executive;
- (b) the responsibility of Portfolio Holders; and

(c) the responsibility of the Shadow Authority and/or its Committees/Sub-Committees; and

(d) the responsibility of Officers.

- 1.4 Where a function is not specified as being the responsibility of the Shadow Authority, a Committee, Sub-Committee, or officer that function shall, unless otherwise proved to the contrary by law, be the responsibility of the Shadow Executive.
- 1.5 The exercise of any power or duty is subject to compliance with the law, the provisions of this Constitution, sufficient budgetary provision having been made.
- 1.6 Any reference to a function or matter includes a reference to all statutory powers about that function or matter whether directly or indirectly and authority to exercise all such powers.
- 1.7 Any reference in the scheme of delegation to an Act of Parliament or statutory instrument includes a reference to any amendment, modification or statutory re-enactment (with or without modification).
- 1.8 Where a power or duty of the Council has been delegated, the delegation includes any action that may be incidental to the exercise of the power or duty.

2 Functions of the Leader and the Shadow Executive

- 2.1 The functions to be exercised by the Leader or the Shadow Executive are set out in Article 7 of this Constitution. Where the Leader or the Shadow Executive is exercising a Shadow Executive function, in whole or in part, the Leader or the Shadow Executive is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon them subject to any restrictions or constraints imposed by the law or this Constitution.

3 Responsibilities of Portfolio Holders

- 3.1 Where the Leader/Shadow Executive has allocated a portfolio to an individual member of the Shadow Executive and the Portfolio Holder is exercising a function falling within the scope of the portfolio, in whole or in part, they are empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon them by the Leader/Shadow Executive subject to any restrictions or constraints imposed by the law or this Constitution.

4 Responsibilities of committees of the Shadow Executive

- 4.1 Where the Leader has arranged for an executive function to be exercised by a committee of the Shadow Executive, the committee is empowered to take all necessary and appropriate decisions to fulfil the obligations placed upon it by

the Leader subject to any restrictions or constraints imposed by the law or this Constitution.

5 Functions of the Shadow Authority

5.1 The functions of the Shadow Authority are set out in Article 4 of Part 2 but include:

- (a) approving a budget for the Buckinghamshire Council and the setting of the council tax for its area;
- (b) approving the Buckinghamshire Council's policy framework and any documents falling within it;
- (c) adopting the Shadow Authority's Constitution in accordance with the requirements of section 9P of the Local Government Act 2000;
- (d) appointing the:
 - Chairman of the Shadow Authority;
 - Vice Chairman of the Shadow Authority;
 - Shadow Executive in accordance with the 2019 Order;
 - Committees, Sub-Committees and Special Committees; and
 - such other offices as may be required by or under the 2019 Order or this Constitution;
- (e) adopting the Shadow Authority's Codes of Conduct for Shadow Members and the Protocol on Member/Officer Relations;
- (f) where permitted by the law, making arrangements for appointments to outside bodies;
- (g) carrying out all functions delegated to it by the Shadow Executive under Article 16 (3) of the 2019 Order;
- (h) approving the Shadow Members' Allowance Scheme including any pension provision for Members following advice from any Independent Remuneration Panel;
- (i) may determine other matters which may from time to time be submitted to it for determination, either by resolution or through approved procedures, where such matters do not fall within the functions of the Shadow Executive.

6 Regulatory Committees

- 6.1 Until the Shadow Authority assumes local government functions and full local authority powers on 1 April 2020, in accordance with the 2019 Order, the Shadow Authority will not exercise any regulatory powers and functions. The Shadow Authority will, however, take such practical steps as are necessary or expedient to prepare the Shadow Authority for the assumption of such regulatory functions and powers.

7 Responsibility of the Senior Appointments Committee

- 7.1 The Senior Appointments Committee normally has responsibility for:
- (a) Undertaking the selection process for the appointment, and formulating recommendations to the Shadow Authority in relation to the appointment and dismissal of the Head of the Paid Service; and before 1 April 2020, the appointment of persons to be the Monitoring Officer and Chief Finance Officer of the Buckinghamshire Council in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (b) undertaking the selection, appointment and dismissal processes for any other staff in accordance with the appropriate procedures set out in the Staff Employment Procedure Rules;
 - (c) hearing and determining any appeals by staff under the Shadow Authority's approved personnel policies and procedures including through any Sub-Committee;
 - (d) hearing and dealing with disputes registered with the Shadow Authority by recognised Trade Unions.

7. Responsibility of the Overview and Scrutiny Committee

- 7.1 The Shadow Authority shall have one Overview and Scrutiny Committee, which will:
- (a) discharge the Shadow Authority's functions under Section 9F of the Local Government Act 2000;
 - (b) oversee the Shadow Authority's overall overview and scrutiny function including the preparation, implementation, monitoring and review of a work programme for overview and scrutiny;
 - (c) ensure that officers discharge their responsibilities effectively and efficiently in relation to the overview and scrutiny function;
 - (d) scrutinise decisions of the Shadow Executive, and offer advice or make recommendations on the matter under scrutiny once the Overview and Scrutiny Committee have considered the issues;

- (e) refer to the Shadow Authority, the Shadow Executive or appropriate Committee/Sub-Committee any matter which, following scrutiny, the Overview and Scrutiny Committee determines should be brought to the attention of the Shadow Authority, Shadow Executive or the Committee or Sub-Committee;
- (f) if requested, offer any views or advice to the Shadow Executive in relation to any matter referred to the Overview and Scrutiny Committee for consideration;
- (g) in performing its role, the Committee may consult and involve the local community and other local public, private and voluntary bodies or organisations;

7.2 In addition, the Shadow Scrutiny Committee will also act via a Conduct Sub-Committee of 3 to hear any Code of Conduct Complaints that proceed to investigation.

9 Independent Remuneration Panel

9.1 The 2019 Order requires the Shadow Authority to prepare and make a scheme for the payment of allowances to its Shadow Members. The Independent Remuneration Panel shall have the functions given by Regulation 21 of the Local Authorities (Members' Allowances) (England) Regulations 2003.

10 Powers of Officers

10.1 The Shadow Authority and its Shadow Executive may delegate such powers, responsibilities and decisions to any of its own officers, or to any officers of the County Council or the District Councils as defined in the 2019 Order.

10.2 A list of the Statutory and Proper Officers for the Shadow Authority and their specific functions is provided at Part 3 - Appendix 1.

10.3 The Head of Paid Service shall have the power to take:

- (a) all necessary action for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of his/her office;
- (b) any action required to implement a decision of the Shadow Authority, the Leader, the Shadow Executive, a Portfolio Holder or any committee or sub-committee;
- (c) in consultation with the Leader, or if the Leader is unavailable or absent, the Deputy Leader, any urgent action as may be appropriate in connection with any of the executive or non-executive functions of the Shadow Authority; and
- (d) If the Head of Paid Service is absent then the Deputy Head of Paid Service appointed in accordance with the 2019 Order can exercise any power of the Head of Paid Service

- (e) without prejudice to the above, any action for the purposes of agreeing the terms and entering into any secondment agreements under section 113 of the Local Government Act 1972 and/or any arrangements for the purposes of securing the provisions of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise.

10.4 The Monitoring Officer, and the Chief Finance Officer have the statutory powers which are set out in the 2019 Order together with the power:

- (a) to take all necessary action within their areas of responsibility for the effective day-to-day management, operation and/or administration of the Shadow Authority and for the efficient discharge of the professional responsibilities of their office;
- (b) to take any action within their areas of responsibility required to implement a decision of the Shadow Authority, the Leader, the Shadow Executive, a Portfolio Holder or any committee or sub-committee; and
- (c) without prejudice to the above, to take any action for the purposes of agreeing the terms and entering into any secondment agreement under section 113 of the Local Government Act 1972 and/or any arrangements for the purposes of securing the provision of any goods and/or services whether pursuant to the Local Authorities (Goods and Services) Act 1970 or otherwise.

10.5 When exercising delegated powers officers:

- (a) must comply with the Shadow Authority's Financial and other relevant Procedure Rules and with the law;
- (b) may authorise expenditure only which is in accordance with approved estimates and which does not require an approval which has not been authorised or received;
- (c) save to the extent that the determining officer considers necessary in order to give effect to a matter to which delegation 10.4 (c) above relates shall comply with approved policies, schemes or directions of the Shadow Authority, Leader, Shadow Executive or of any Committee and shall not depart from such policies, schemes or directions; and
- (d) shall consult with the appropriate professional or technical officer(s) of the Shadow Authority or the Buckinghamshire Councils (as defined in the 2019 Order).

10.6 Delegation to officers does not affect the powers of the Shadow Authority, Leader, Shadow Executive or any Committee who made the delegation, at any time to decide upon any delegated matter.

10.7 Officers may refer issues on which they have delegated power to the body or person by whom the delegation was given.

- 10.8 Authority to take decisions and other action including the signing of documents and the requirement to arrange consultations shall be undertaken on behalf of the Shadow Authority in the name of the officer to whom the authority to act is given, but need not necessarily be personally by them.
- 10.9 Any specific delegation to the Head of Paid Service, Monitoring Officer or the Chief Finance Officer (including power to act as the Proper Officer), may be exercised by another Officer specifically designated in writing by the Head of Paid Service, Monitoring Officer or the Chief Finance Officer to whom the delegation applied initially, in accordance with any general directions issued and included in such written authorisation.

Part 3 - Appendix 1**The Statutory and Proper Officers****Designated Posts**

<u>Legislation and Section</u>	<u>Function</u>	<u>Proper Officer</u>
S4(1) LG&HA 1989	Head of Paid Service	Head of Paid Service
S151 LGA 1972	Chief Financial Officer	Finance Officer
S 5 LG&HA 1989	Monitoring Officer	Monitoring Officer
S 9FB LGA 2000	Scrutiny Officer	Head of Democratic Services, Policy and Partnerships, Buckinghamshire County Council
S35 RPA 1983	Returning Officer	Monitoring Officer
Section 8 RPA 1983	Electoral Reg'n Officer	Monitoring Officer
S69 Data Protection Act	Data Protection Officer	Monitoring Officer
Article 37 General Data Protection Regulation 2018		

Notes

1. Section 113 of the Local Government Finance Act 1988 provides that the Chief Finance Officer must also be the Council Tax Registration Officer.
2. Section 114 of the Local Government Finance Act 1988 provides that the Chief Financial Officer must nominate a suitably qualified member of staff to carry out the duties under that Section when unable to act through absence or illness.
3. Section 5(7) of the Local Government and Housing Act 1989 provides that the Monitoring Officer must nominate a deputy to act when the Monitoring Officer is unable to do so through absence or illness.
4. Section 35 of the Representation of the People Act 1983 provides that the Returning Officer may appoint deputies to assist in the duties of the Returning Officer.
5. Section 52(2) of the representation of the People Act provides that the Electoral Registration Officer may appoint deputies to assist in the duties of the Electoral Registration Officer.

PROPER OFFICERS

Proper Officers are listed below. Proper Officers may appoint a Deputy to act when the Proper Officer is unavailable.

Legislation Section and Function	Proper Officer
Local Government Act 1972	
Section 83(1) – (4) - Proper Officer to witness and receive declarations of acceptance of office	Head of Paid Service
Section 84(1) - Proper Officer for receipt of resignation of Members of the Council	Head of Paid Service
Section 88 - Proper Officer to convene a meeting of the Council where the office of Chairman is vacant.	Head of Paid Service
Section 89(1)(b) - Proper Officer to receive notice of vacancy in the office of Member	Head of Paid Service
Section 96(2) - Proper Officer to record and keep in a book particulars of such disclosures	Head of Paid Service
Section 100(A) - Proper Officer for designating Committee Reports "confidential" or "exempt"	Monitoring Officer
Section 100(B)(2) - Proper Officer for circulation of reports and agenda	Monitoring Officer
Section 100(B)(7)(C) - Proper Officer for supply of papers to the Press	Monitoring Officer
Section 100(C)(2) - Proper Officer for summarising minutes	Monitoring Officer
Section 100(D)(1) and (5) - Proper Officer for identifying background papers and preparing lists thereof, for items prepared in that department	Monitoring Officer
Section 100(F)(2) - Proper Officer for identifying papers not open to Members	Monitoring Officer
Section 115(2) - Proper Officer to receive money due from officers	Finance Officer
Section 225(1) - Proper Officer to receive documents placed on deposit with the Council	Monitoring Officer
Section 229 - Proper Officer to certify photographic copies of documents	Monitoring Officer

Schedule 3 Paragraph 6(2) Proper Officer to whom declarations of acceptance of office by Members shall be retained	Head of Paid Service
Schedule 12 Section 99 – Contains provisions governing conduct of meetings, including requirements for notices to be given by Proper Officer and the appointment of the proper officer to sign summons to attend meetings of the Council and specify the proposed business.	Monitoring Officer
Representation of the People Act 1983 Representation of the People Act 1983 (Sections 67 (7) (b) – receipt of notice of an election agent for local elections – Sections 82 and 89 – receipt of election expense declaration and returns for the holding of those documents for public inspection – and Section 128 – provision that a copy of any petition questioning a local government election shall be sent to the proper officer who shall publish it in the local authority area - and any regulations made thereunder	Monitoring Officer
Local Government Finance Act 1988 Section 114 – sets out duty to report Section 116 – provides that Proper Officer must give the authority's auditor notice of meetings held under S115	Finance Officer
Local Government and Housing Act 1989 Section 2 - Listing and publication of politically sensitive posts SS 15 – 17 - To receive notification of political groups and to allocate committee seats according to political balance	Head of Paid Service Monitoring Officer
Local Government (Committees and Political Groups) Regulations 1990 Section 14 - For the purposes of the composition of committees and nominations to political groups, proper officer's duty to notify leader or representative of a political group	Monitoring Officer
Local Government Act 2000 and Regulations made thereunder All references to the Proper Officer in the Act and subordinate legislation	Monitoring Officer
Local Authorities (Standing Orders) (England) Regulations 2001 Schedule 1 Part II paragraph 3 – proper officer to give written notice of appointment or dismissal of officers	Head of Paid Service
Local Elections (Principal Areas) (England and Wales) Rules	

**2006 and Local Elections (Parishes and Communities Rules)
2006**Monitoring
Officer

Schedule 2 and to each set of Rules - Retention and public
inspection of documents after an election

Localism Act 2011 and Regulations made thereunder

To receive complaints of failure to comply with the Code of Conduct.

Monitoring
Officer

PART 4- PROCEDURE RULES

A. Access to Information Procedure Rules

1 General

- 1.1 These rules apply to all meetings of the Shadow Authority, its Committees and Sub-Committees and to public meetings of the Shadow Executive.
- 1.2 In these rules the word “meeting” means a meeting or meetings of any of those bodies unless specified otherwise.
- 1.3 These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.
- 1.4 Members of the public may attend all public meetings subject to the exceptions contained in these rules.
- 1.5 Members of the press and public are also entitled to film, audio record and report on meetings of the Shadow Authority, Committees and Shadow Executive, except in circumstances where the public have been excluded as permitted by law. Any such filming, audio recording or reporting shall be in accordance with any guidelines published by the Shadow Authority on its website or made available at the meeting.

2 Notice of Meetings

- 2.1 The Shadow Authority will give, wherever possible, at least five clear working days’ notice of any such meeting by publicising, including by electronic means, relevant details.
- 2.2 A copy of the official notice will also be published on the Shadow Authority’s website.

3 Agenda and Supporting Papers - Rights of Access

- 3.1 Copies of the Agenda and supporting papers will be made available on the Shadow Authority’s website, for inspection by the public at least five clear working days before the meeting. Where an item is added to an Agenda at a later date, a supplementary agenda will be made available, with any supporting papers, to the public as soon as possible.
- 3.2 The Shadow Authority will supply on request copies of any agenda and reports which are open to public inspection, and if the Monitoring Officer thinks fit, copies of any further documents supplied to Shadow Members relating to that item.
- 3.3 The Shadow Authority may require any person to make a payment in advance covering postage and costs connected to the supply of the papers in Rule 3.2 above.

4 Access to Decision Records, Minutes, Agenda and Supporting Papers after a meeting

- 4.1 The Shadow Authority will make electronically available, for a period of six years from the date of the meeting:
- (a) the minutes of the meeting where, under these rules or the Constitution Minutes are required to be made, excluding any part of the minutes relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed;
 - (b) the records of decisions taken, together with reasons by the Shadow Executive, excluding any part of the record relating to the conduct of business when the public were not present or where exempt or confidential information would be disclosed.
 - (c) where information relating to a decision is considered in private, a summary of the proceedings to provide a reasonably fair and coherent record will be provided excluding any information which is of a confidential or exempt nature; and
 - (d) the agenda and supporting papers covering items which were considered when the public were entitled to be present.

5 Background Documents

- 5.1 The Officer, in whose name an item is to be submitted for decision, will set out in the agenda a list of the background documents which in his/her opinion:
- (a) relates to the subject matter of the item in question;
 - (b) discloses any facts or matters on which the agenda item or an important part of it has been based; and
 - (c) has been relied upon to a material extent in preparing the agenda item.
- 5.2 The requirements in Rule 5.1 above do not apply to or include any published works or any document in whole or in part which would disclose confidential or exempt information.
- 5.3 Background documents which have been made available for public inspection will continue to be available for a period of four years from the date the decision is made.

6 Definition of Confidential and Exempt Information

- 6.1 For the purposes of these rules the definitions of confidential and exempt information are set out below.

- 6.2 Confidential Information means information supplied or given to the Shadow Authority by a Government Department on terms which forbid its disclosure to the public or is information which cannot be disclosed to the public by Order of the Courts.
- 6.3 Exempt Information is information falling within any of the categories set out in Appendix 1 to these rules subject to the conditions noted in that Appendix.

7 Exclusion of the Public from Meetings

Confidential Information – Requirement to Exclude

- 7.1 The public will be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the proceedings, that confidential information, as described in Rule 6.2 above will be disclosed.

Exempt Information – Discretion to Exclude

- 7.2 In the case of exempt information, the public may be excluded from a meeting where Rule 6.3 and Appendix 1 applies.

8 No public right of access to agenda papers

- 8.1 The Monitoring Officer, where he/she considers it necessary, may refuse access by the public to any agenda or supporting papers which in his/her opinion relate to items during which, in accordance with Rule 7 above, the meeting is likely not to be open to the public. Any such papers will be clearly marked “Not for Publication” and will contain the category of information to be disclosed as set out in Appendix 1 to these Rules. Similar provisions apply to the disclosures of documents related to decisions of the Shadow Authority, including the Shadow Executive.

9 The Shadow Executive: Application of these Rules

- 9.1 Rules 10 to 20 will apply to the Shadow Executive and any Committees or Sub-Committees which it may establish from time to time.
- 9.2 Where the Shadow Executive, including a Committee or Sub-Committee of the Shadow Executive meet to discuss a Key Decision, with an officer or officers present, within 28 days of the date according to the Forward Plan by which it is to be decided, then the Shadow Executive must comply with Rules 1 to 8 above unless Rules 12 (general exception) or 13 (special urgency) apply.

10 Procedure before taking a Key Decision

10.1 Subject to Rules 12 or 13, a Key Decision cannot be taken unless:

- (a) a notice (“the Forward Plan”) has been published in connection with the matter in question and made available by the public at the main office of the Shadow Authority;
- (b) at least 28 clear calendar days have elapsed since publication of the Forward Plan, and
- (c) where the decision is to be taken at a meeting of the Shadow Executive, including a Committee or Sub-Committee of the Shadow Executive, public notice of the meeting has been given under Rule 2 above.

11 The Forward Plan

11.1 The Forward Plan will be prepared on behalf of the Leader on a monthly basis to cover a four-month period beginning with the first day of any month. The Forward Plan will be rolled forward and published each month to cover the four-month period beginning again with the new date of publication. There will be instances where it is impracticable to include an item in the Forward Plan. In this case Rule 12 or 13 below will apply

11.2 The Forward Plan will contain such matters as the Leader has reason to believe will be Key Decisions to be taken by the Leader, the Shadow Executive, a Portfolio Holder, a Committee or Sub-Committee of the Shadow Executive, an Officer in the course of the discharge of an Shadow Executive function during the period covered by the Forward Plan.

11.3 The Forward Plan will describe in respect of each matter the following particulars:

- (a) the matter relating to the decision to be made;
- (b) the name and title of the decision taker if an individual, or the name and details of the membership where the decision taker is a body;
- (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 to make representations to the Shadow Executive or decision taker about the matter before the

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

- (g) a list of the documents to be submitted to the decision taker for consideration in relation to the matter;
- (h) 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;
- (i) that other documents relevant to the matter may be submitted to the decision taker; and
- (j) the procedure for requesting details of those documents (if any) as they become available.

11.4 Where in relation to any matter where the public may be excluded from a public meeting under Rule 7, or documents relating to the decision need not be disclosed to the public, the Forward Plan must contain the particulars of the matter, but may not contain any confidential information, exempt information or particulars of the advice of a political adviser or assistant.

12 General exception for Key Decisions

12.1 If a matter which is likely to be a Key Decision has not been included in the Forward Plan then, subject to Rule 13, the decision may still be taken if:

- (a) the decision has to be taken by such a date that it is impracticable to defer the decision until it can be included in the next Forward Plan and until the start of the first month to which the next Forward Plan relates;
- (b) the Monitoring Officer has informed the Chairman of the Overview and Scrutiny Committee, or if there is no such person, each member of that Committee in writing, by notice, of the matter to which the decision is to be made;
- (c) the Monitoring Officer has made copies of that notice available to the public at the main office of the Shadow Authority; and
- (d) at least five clear working days have elapsed since the Monitoring Officer complied with his/her obligations under this paragraph.

12.2 Where such a decision is taken by the Shadow Executive, it must be taken in public subject to any requirements relating to the disclosure of confidential or exempt information and the exclusion of the public.

13 Special urgency for Key Decisions

13.1 If by virtue of the date by which a key decision must be taken, the requirements of Rule 12 above cannot be followed, then the decision can only be taken if the decision taker (if an individual) or the Chairman of the body

taking the decision, obtains the agreement of the Chairman of the Overview and Scrutiny Committee that the taking of the decision cannot be reasonably deferred. If there is no Chairman of the Overview and Scrutiny Committee or if he/she is unable to act, then the agreement of the Chairman of the Shadow Authority, or in his/her absence the Vice Chairman will suffice.

- 13.2 In addition to the requirement for the Chairman to agree to the matter being dealt with as urgent business, the Chairman of the Overview and Scrutiny Committee will be consulted, and may comment, on the subject matter of the decision itself

14 Report to Shadow Authority

- 14.1 If the Overview and Scrutiny Committee is of the opinion 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 under Rule 12 above; or
- (c) the subject of an agreement with the Overview and Scrutiny Committee Chairman, or the Chairman/Vice Chairman of the Shadow Authority under Rule 13 above;

the Committee may require the Shadow Executive to submit a report to the Shadow Authority within such reasonable time as the Committee specifies.

- 14.2 In response to any requirement under Rule 14.1 above, the Shadow Executive will prepare a report for submission to the next available meeting of the Shadow Authority. However, if the next meeting of the Shadow Authority is within 7 days of the resolution of the Committee, then the report may be submitted to the subsequent meeting. The report to the Shadow Authority will set out particulars of the decision, the individual or body taking the decision, and if the Shadow Executive is of the opinion that it was not a key decision, the reasons for that opinion.

15 Record of decisions of the Shadow Executive

- 15.1 After any meeting of the Shadow Executive or any of its Committees or Sub-Committees, whether held in public or private, the Monitoring Officer or their nominee, or, where no officer was present, the person presiding at the meeting, will normally produce as soon as practicable an electronic record of every decision taken at that meeting. The record will include:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;

- (c) details of any alternative options considered and rejected by the decision taker;
- (d) a record of any conflict of interest relating to the matter decided which is declared by any member of the decision taker; and
- (e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

16 Shadow Executive Meetings relating to matters which are not Key Decisions

- 16.1 The Shadow Executive will decide whether meetings relating to matters which are not key decisions will be held in public or private.

17 Meeting of the Shadow Executive in private

- 17.1 Where a meeting of the Shadow Executive, including a Committee or Sub-Committee of the Shadow Executive, is to be held in private under these Rules, at least 28 clear days before the meeting, the Shadow Executive shall make available at the main office of the Shadow Authority a notice of its intention to hold a meeting in private giving reasons as to why the meeting is to be held in private.
- 17.2 At least five clear days before the meeting, the Shadow Executive must make available at the main office of the Shadow Authority a further notice of its intention to hold a meeting in private containing: the reasons as to why the meeting is to be held in private; details any representations received by the Shadow Executive about why the meeting should be open to the public; and a statement of the Shadow Executive's response to any such representations.
- 17.3 All Members of the Shadow Executive shall be entitled to be given five clear working days' notice of the meeting, whether or not they are summoned to attend, unless the meeting is convened at shorter notice on urgency grounds.
- 17.4 Copies of the notices required by Rules 17.1 and 17.3 shall be sent to the Chairman of the Overview and Scrutiny Committee.
- 17.5 Where the date by which a private meeting must be held makes compliance with Rules 17.1 and 17.2 impracticable, the meeting may only be held in private where the Shadow Executive has obtained agreement from:
 - (a) the chairman of the Overview and Scrutiny Committee; or
 - (b) if there is no such person, or if the chairman of the Overview and Scrutiny committee is unable to act, the chairman of the Shadow Authority; or

- (c) where there is no chairman of either the Overview and Scrutiny Committee or of the Shadow Authority able to act, the vice-chairman of the Shadow Authority, that the meeting is urgent and cannot reasonably be deferred.

18 Attendance at private meetings of the Shadow Executive

- 18.1 Any Member of the Shadow Executive may attend a private meeting of a Committee or Sub-Committee of the Shadow Executive whether or not they are members of that body unless the body determines otherwise.
- 18.2 Any Shadow Executive member who is not a member of such a Committee or Sub-Committee shall be entitled to speak with the consent of the person presiding but not to vote.

19 Officer attendance at Shadow Executive Meetings

- 19.1 The Head of the Paid Service, the Chief Finance Officer and the Monitoring Officer, or their nominees, are entitled to attend any meeting of the Shadow Executive. The Shadow Executive cannot meet unless the Monitoring Officer has been given reasonable notice that a meeting is to take place. This provision also applies to Committees and Sub-Committees of the Shadow Executive.
- 19.2 A private meeting of the Shadow Executive, including a Committee or Sub-Committee of the Shadow Executive, may only take place in the presence of the Monitoring Officer or his/her nominee, who shall have responsibility for recording and publicising any decisions.

20 Decisions by Portfolio Holders

- 20.1 Where an individual member of the Shadow Executive 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 five clear working days after receipt of that report.
- 20.2 On giving of such a report to a Portfolio Holder, the person who prepared the report will give a copy of it to the chair of an Overview and Scrutiny Committee as soon as reasonably practicable, and make it publicly available at the same time.
- 20.3 As soon as reasonably practicable after an executive decision has been taken by a Portfolio Holder, a written record of the decision must be produced which must include the following:

- a) a record of the decision including the date it was made;
- b) a record of the reasons for the decision;
- c) details of any alternative options considered and rejected by the member;
- d) a record of any conflict of interest relating to the matter decided which is declared by any member of the Shadow Executive who is consulted by the member which relates to the decision; and
- e) in respect of any declared conflict of interest, a note of any dispensation granted by the Monitoring Officer.

20.4 The provisions of Rules 4 and 5 will also apply to the making of decisions by Portfolio Holders. This does not require the disclosure of exempt or confidential information or advice from a political assistant.

21 Record of key decisions taken by officers

21.1 As soon as reasonably practicable after an officer has made a key decision which is an executive decision (i.e. the responsibility of the Shadow Executive) a written statement will be prepared including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of any conflict of interest declared by any executive member who is consulted by the officer which relates to the decision; and
- (e) in respect of any declared conflict of interest, a note of dispensation granted by the Monitoring Officer.

21.2 Any record prepared in accordance with Rule 21.1 and any report considered by the officer and relevant to the key decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.

21.3 As soon as reasonably practicable after an officer has made a key decision under an express delegation from the Shadow Authority, its Committees, Sub Committees or any Joint Committee in which the Shadow Authority is involved or under a general delegation from one of these bodies where the effect of the

decision is to grant a permission or licence, affect the rights of an individual or award a contract or incur expenditure, which in either case materially affects the Shadow Authority's position a written statement will be prepared including:

- (a) a record of the decision including the date it was made;
- (b) a record of the reasons for the decision;
- (c) details of any alternative options considered and rejected by the officer when making the decision;
- (d) a record of the name of any Shadow Member or local government body who has declared an interest (for decisions taken under an express delegation).

21.4 Any record prepared in accordance with rule 21.4 together with any background papers considered by the officer and relevant to the key decision will be available for public inspection at the main office of the Shadow Authority and on the Shadow Authority's website.

22 Access to documents - Overview and Scrutiny Committee

22.1 Subject to Rule 22.4 below, any member of the Overview and Scrutiny Committee is entitled to copies of any document which is in the possession or control of the Leader, the Shadow Executive including its Committees and Sub-Committees and which contains material relating to:

- (a) any business transacted at a public or private meeting of the Shadow Executive including any of its Committees and Sub- Committees;
- (b) any decision taken by an individual member of the Shadow Executive; or
- (c) any executive decision taken by an officer in accordance with Part 3 of this Constitution.

- 22.2 Where a member of an Overview and Scrutiny Committee (including its sub-committees) requests a document which falls within Rule 22.1 the Leader must provide that document as soon as reasonably practicable and in any case no later than 10 clear working days after the Leader receives the request.
- 22.3 Subject to Rule 22.4 the chairman of the Overview and Scrutiny Committee is entitled to see papers in relation to private decisions of the Shadow Executive before the decision is made.
- 22.4 Where the Leader so determines, a member of the Overview and Scrutiny Committee will not be entitled to:
- (a) any document that is in draft form;
 - (b) any such document or part of a document that contains exempt or confidential information, unless that information is relevant to an action or decision he/she is reviewing or scrutinising or any review contained in any programme of work of the Committee.

Where the Leader determines that a member of the Overview and Scrutiny Committee is not entitled to a copy of a document, or part of any such document, for the reasons set out above the Leader must provide the Overview and Scrutiny Committee with a written statement setting out their reasons for that decision.

23 Additional rights of access for Shadow Members

- 23.1 All Shadow Members will be entitled to inspect any document which is in the possession or under the control of the Leader and or the Shadow Executive including its Committees or Sub-Committees and contains material relating to any business to be transacted at a public meeting; any business previously transacted at a private meeting; any decision made by an individual member; or an key decision by an officer unless in the opinion of the Monitoring Officer it contains exempt information falling within the categories of exempt information as set out in the Appendix.
- 23.2 All Shadow Members will be entitled to inspect any document (except those available only in draft form) in the possession or under the control of the Leader or the Shadow Executive including its Committees and Sub-Committees which relates to any Key Decision unless Rule 22.4 above applies.
- 23.3 In relation to public meetings, where a document is required to be available for inspection by all Shadow Members under Rule 23.1 it must be available for at least five clear working days before the meeting except where the meeting is convened at shorter notice or an item is added to an agenda at shorter notice, in which case the document must be available for inspection when the meeting is convened or the item is added to the agenda.
- 23.4 In relation to private meetings, decisions made by an individual member or

key decisions made by an officer, where a document is required to be available for inspection by all Shadow Members under Rule 23.1 it must be available within 24 hours of the meeting concluding or where an executive decision is made by an individual member or an officer within 24 hours of the decision being made.

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

Appendix 1 - Descriptions of Exempt Information

Exempt information means information falling within the following categories (subject to any qualification), as defined under Schedule 12A to the Local Government Act (and any subsequent changes made to Schedule 12A will automatically apply):

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

Qualifications

Information falling within the above descriptions is not exempt information if it is required to be registered under:

- (a) the Companies Acts (as defined in section 2 of the Companies Act 2006);
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Co-operative and Community Benefit Societies Act 2014;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 2011.

Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission or permission in

principle pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

Information which

- (a) falls within any of the descriptions above; and
- (b) is not prevented from being exempt by the previous two qualifications 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.

B. Shadow Executive Procedure Rules

1 Meetings of the Shadow Executive

- 1.1 The Shadow Executive will meet as indicated in the Shadow Authority's calendar of meetings. The Shadow Executive or the Leader, in consultation with the Deputy Leader, may agree to change the date of any programmed meeting, to cancel a meeting or to arrange additional meetings as it/he/she sees fit. Locations of meetings will be published in the calendar of meetings.
- 1.2 The Shadow Executive may meet in public or in private, subject to legal requirements and the Access to Information Procedure Rules set out in this Constitution.
- 1.3 The Leader will chair meetings of the Shadow Executive or in his/her absence, the Deputy Leader will preside. Where both the Leader and Deputy Leader are absent, the Members present may appoint one member of the Shadow Executive to chair that meeting.
- 1.4 Attendance by other Members of the Shadow Authority or the public shall be in accordance with the Access to Information Procedure Rules, by invitation under Rule 1.5 below, or as set out Rules 4.1 to 4.2 below.
- 1.5 The Shadow Executive may invite any person it considers appropriate, to its meetings to discuss matters of mutual interest or concern or to advise. Such persons may only be given access to confidential and/or exempt information on terms to be decided by the Monitoring Officer so as to ensure that the Access to Information Procedure Rules are observed.

2 Quorum at meetings of the Shadow Executive

- 2.1 No business shall be transacted where at any time during the meeting of the Shadow Executive, or a committee or sub-committee established by the Shadow Executive, there are fewer than one third of members of the Shadow Executive, a committee or sub-committee of the Shadow Executive present or fewer than three Buckinghamshire Councils are represented at that meeting.

3 Taking of decisions by the Shadow Executive

- 3.1 Shadow Executive decisions, including those taken under delegated powers, shall not take effect until they have been recorded in writing, as required under the Access to Information Procedure Rules, and shall not be implemented where the right of call-in has been exercised until

the call-in process has been concluded. Records of Shadow Executive decisions must be confirmed at the next meeting.

4 Members attending and speaking at Shadow Executive Meetings

- 4.1 The Chairman of the Overview and Scrutiny Committee shall be entitled to attend any formal public meeting of the Shadow Executive and to speak to any matter on the agenda for that meeting.
- 4.2 Other Members not previously described above may also speak at such meetings with the permission of the Leader or person presiding in his/her absence.

5 Business at Shadow Executive Meetings

- 5.1 The business to be transacted at meetings of the Shadow Executive will be set out in an Agenda for the meeting in question, subject to any requirements or exemptions under the Access to Information Procedure Rules.
- 5.2 The Agenda may be supported by additional papers prepared by the Officers or by or on behalf of other bodies, subject to requirements about disclosure of confidential or exempt information.
- 5.3 The Shadow Executive is obliged to consider matters referred to it by the Overview and Scrutiny Committee, or by the Full Shadow Authority for consideration under the Scrutiny Rules.
- 5.4 The Access to Information Procedure Rules will apply to notice of meetings, agendas, and access to reports and background papers. Where matters are for decision, the Agenda must stipulate those which are Key Decisions and those which are not, in accordance with the Access to Information Procedure Rules.
- 5.5 The Shadow Executive will, at its next available meeting, confirm the record of decisions taken at its previous meeting as a correct record.
- 5.6 The In Monitoring Officer or his/her nominated Officer shall be responsible for preparing and distributing the Agenda for Shadow Executive meetings, attending meetings for the purpose of advising the Shadow Executive on matters within his/her area of responsibility and recording decisions as required under this Constitution.
- 5.7 In taking decisions, the Shadow Executive must satisfy itself that it has before it adequate and appropriate advice from its service, legal and financial advisers who shall be present at any meeting where a decision is being taken and that that advice is taken into consideration in determining the matter. Where there is any doubt about power or probity then advice must be obtained from the Monitoring Officer and the Chief Finance Officer.
- 5.8 Any member of the Shadow Executive may require the Monitoring

Officer to place an item on the Agenda for a stipulated meeting of the Shadow Executive.

- 5.9 The Monitoring Officer will ensure that any matters referred to the Shadow Executive by the Shadow Authority or the Shadow Authority's Overview and Scrutiny Committee are placed on the Agenda for the next appropriate meeting of the Shadow Executive.
- 5.10 Any Shadow Member may request the Leader to place an item on the agenda of a meeting of the Shadow Executive. The Leader in consultation with the Deputy Leader shall have discretion as to whether or not to accede to such a request and, if such a request is granted, whether the Member in question can speak to the item at the meeting in question.
- 5.11 The Head of the Paid Service, the Monitoring Officer and/or the Chief Finance Officer can include an item for consideration on the agenda of a Shadow Executive Meeting. In pursuance of their statutory duties they can require that a special meeting of the Shadow Executive be convened.
- 5.12 Business cannot be conducted at formal meetings of the Shadow Executive unless it is included in the agenda for the meeting. Where it is urgent, the requirements of the Access to Information Procedure Rules must be complied with.
- 5.13 The Shadow Executive will report to the Shadow Authority as required under the Access to Information Procedure Rules on any matter which is classified as a Key Decision and is dealt with under special urgency procedures.
- 5.14 Questions can be submitted by members of the public at meetings of the Shadow Executive in accordance with Shadow Authority Procedure Rule D (10) of the Shadow Authority Procedure Rules.

6 Voting at Shadow Executive Meetings

- 6.1 Voting at Shadow Executive meetings will be by a show of hands and any Member may require, immediately after the vote is taken, that the Minutes of the meeting record how he/she voted or abstained.
- 6.2 Voting for any office or appointment, including any paid appointment, where more than one person is nominated shall be in accordance with Shadow Authority Meeting Procedure Rule D (14).

7 Shadow Executive Sub-Committees

- 7.1 The Shadow Executive may appoint such Sub- Committees as it considers necessary and appropriate to assist in the discharge of its functions. In making such appointments, the Shadow Executive must specify the name of the Sub- Committee, its membership (including its Chairman and, if appropriate, Vice- Chairman) and the terms of reference of the body.

8 Motion under Meeting Procedure Rule D

- 8.1 A mover of a motion under Meeting Procedure Rule D (11) which has been referred to the Shadow Executive for consideration may attend the meeting of the Shadow Executive when his/her motion is under consideration and explain the motion. The mover of the motion will be advised of the date and time of the meeting when the matter is to be considered and he/she will be sent an electronic copy of the relevant papers.

9 Resolving disputes

- 9.1 In the case of any dispute during the proceedings of the Shadow Executive the relevant parts of this Constitution will apply and after considering the application of the relevant provisions, the person presiding at the meeting will rule on the issue in question and his/her ruling will be final.

10 Reserves/substitute members

- 10.1 Substitute members of the Shadow Executive will be permitted. In the absence of the Leader, the County Council substitute will be an ordinary member of the Committee. The Deputy Leader, who will be elected by the District Council members of the Shadow Executive in accordance with the 2019 Order will be the Leader in the absence of the Leader and will preside at the meetings of the Shadow Executive.

11 Approval of urgent business

- 11.1 Where any matter is urgent and cannot await the next meeting, the Leader of the Implementation Team may take the necessary action, provided that he/she has first consulted the Leader of the Shadow Executive (or Deputy Leader if he/she is not available).

12 Conflicts of Interest

- 12.1 Where the Leader or any Shadow Executive Member has a conflict of interest, he will follow the requirements of the Shadow Authority's Code of Conduct for Members.
- 12.2 If all (or a majority) of the Members of the Shadow Executive present have a conflict of interest then consideration will be given to applying to the Monitoring Officer for a dispensation from the provisions of the Code.

- 12.3 If the discharge of a Shadow Executive function has been delegated to another body or individual and a conflict of interest arises, then it will fall to the body or individual who delegated the matter to take the decision. Where that body or individual also has a conflict of interest then action set out in Rule A shall be considered.

C. Overview and Scrutiny Procedure Rules

1 Work Programme

- 1.1 The Overview and Scrutiny Committee will consult with other parts of the Shadow Authority as appropriate, including the Shadow Executive, on the preparation of its work programme.
- 1.2 The Overview and Scrutiny Committee will take into account any views expressed following consultation under Rule 1.1 above in drawing-up and agreeing any work programme. It should also take into account the resources, both officer and financial, available to support its proposals.
- 1.3 Once any programme has been approved, a copy will be sent to all Members of the Shadow Authority and all relevant officers.
- 1.4 The Overview and Scrutiny Committee shall respond, as soon as it may consider it is possible to do so, to requests from the Shadow Authority and the Shadow Executive, to review particular areas of Shadow Authority activities. Where it does so, it will report its findings and any recommendations back to the Shadow Executive and/or Shadow Authority in accordance with Rule 4 below.

2 Agenda for meetings of the Overview and Scrutiny Committee

- 2.1 Matters to be considered will be set out in an Agenda, together with appropriate and relevant supporting papers.
- 2.2 Any member of the Committee shall be entitled to require, in writing, that an item be included on the agenda, and such item shall appear on the agenda for the next meeting of the Committee in question. The Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 2.3 Similarly, the Leader or a Portfolio Holder may give notice in writing requiring an item to appear on an agenda of the Overview and Scrutiny Committee, relating to their area of responsibilities. The Overview and Scrutiny Committee will decide how the item should be considered and whether or not it can be included in its work programme.
- 2.4 Subject to Shadow Authority Procedure Rule D of the Shadow Authority Procedure Rules, any other Shadow Member may give notice in writing to the Monitoring Officer, requesting an item to appear on an agenda of the Overview and Scrutiny Committee. The item shall be included after consulting the Chairman of the Overview and Scrutiny Committee.
- 2.5 Any Shadow Member raising an item under Rules 2.2, 2.3 or 2.4 above shall be precluded from raising the matter again for a period of 12 months from the date it is considered by the Committee.

3 Policy Review and Development

- 3.1 The Overview and Scrutiny Committee has a key role in policy and budget development in the approach to the creation of the Buckinghamshire Council.

4 Reports from the Overview and Scrutiny Committee

- 4.1 Once recommendations have been formed, the Overview and Scrutiny Committee will submit a formal report for consideration by the Shadow Executive or where the Leader has delegated decision-making to a Portfolio Holder, the Portfolio Holder (if the proposals relate to an executive function and are consistent with the existing budgetary and policy framework), or to the Shadow Authority as appropriate (if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 4.2 The Shadow Authority or the Shadow Executive shall consider the report of the Overview and Scrutiny Committee within two months (or next available meeting in the case of the Shadow Authority) of it being submitted.
- 4.3 Where the Overview and Scrutiny Committee submit a report for consideration by a Portfolio Holder, the Portfolio Holder must consider the report and respond in writing to the Overview and Scrutiny Committee within two months of receiving it. The Portfolio Holder will also attend a future meeting of the Overview and Scrutiny Committee to present their response.

5 Access to the Forward Plan

- 5.1 The Overview and Scrutiny Committee will have access to the Shadow Executive's Forward Plan and timetable for decisions and intentions for consultation.

6 Rights of Overview and Scrutiny Committee members to documents

- 6.1 In addition to their rights as Shadow Members, members of the Overview and Scrutiny Committee have the additional right of access to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.

7 Shadow Members and Officers giving account

- 7.1 The Overview and Scrutiny Committee may scrutinise and review decisions made, or actions taken in connection with the discharge of any Shadow Authority function. As well as reviewing the documentation, in fulfilling its scrutiny role, it may require the Leader or any Portfolio Holder, to attend before it to explain in relation to matters within their remit:

- (a) any particular decision or series of decisions;
- (b) the extent to which the actions taken implement Shadow Authority policy; and/or
- (c) their performance,

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

- 7.2 Where the Overview and Scrutiny Committee requires an officer to attend to answer questions or discuss issues, this will be agreed with the lead officer of the Implementation Team.
- 7.3 Where it is agreed that an officer should appear to answer questions, their evidence should, as far as possible, be confined to questions of fact and explanation relating to policies and decisions. Officers may explain:
 - (a) what the policies are;
 - (b) the justification and objectives of those policies as the Shadow Executive sees them;
 - (c) the extent to which those objectives have been met; and
 - (d) how administrative factors may have affected both the choice of policy measures and the manner of their implementation.
- 7.4 Officers may be asked to explain and justify advice they have given to the Shadow Executive prior to decisions being taken. They may also be asked to explain and justify decisions they have taken under delegation powers from the Shadow Executive.
- 7.5 Officers should not be expected and should avoid being drawn into discussions of politically contentious matters and any officer input should be consistent with the requirements for political impartiality.
- 7.6 The requirements of any protocols on Member/Officer relationships and the Code of Conduct must be adhered to where an officer is attending the Overview and Scrutiny Committee.
- 7.7 Where any Shadow Member or Officer is required to attend the Overview and Scrutiny Committee under this provision, the Chairman of that Committee will inform the Monitoring Officer, who will inform the Shadow Member or Officer in writing giving at least ten clear working days' notice of the meeting. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the Committee. Where the account to be given to the Overview and Scrutiny Committee will require the production of a report, then the Shadow Member or Officer concerned will be given reasonable and sufficient notice to allow for its preparation.

- 7.8 Where, in exceptional circumstances, the Shadow Member or Officer is unable to attend on the required date, then the Committee shall, in consultation with the Shadow Member or Officer, arrange an alternative date for attendance.

8 Attendance by others

- 8.1 The Overview and Scrutiny Committee may invite individuals other than those referred to in Rules 7.1 and 7.2 to address it, discuss issues of local concern and/or answer questions. In relation to the Conduct Sub-Committee an Independent Person under the definition of the Localism Act 2011 will attend to sit on the Conduct Sub-Committee as a non-voting member.

9 Call-in

- 9.1 This Rule shall apply to a decision of the Shadow Executive, the Leader, Portfolio Holder or an officer that is a Key Decision and there are:
- a) reasonable grounds to suggest that a decision has not been made in accordance with the law and/or
 - b) where the decision was not made in accordance with the principles of Article 12 of the Constitution and/or
 - c) where the decision was not published in accordance with the requirements for the Shadow Executive Forward Plan, nor subject to the 'general exception' or 'special urgency procedures' set out in this Constitution.
- 9.2 When a decision is made by the Shadow Executive, or a Committee or Sub-Committee of the Shadow Executive, or a Key Decision is made by an officer with delegated authority from the Shadow Executive, the decision shall be published, by electronic means, and shall be available at the main offices of the Shadow Authority normally within 2 clear working days of being made. All members of the Shadow Authority will be sent an electronic record of all such decisions within the same timescale.
- 9.3 Subject to Rules 9.4, 9.5 and any urgency provisions a decision taken, and to which Rule 9.1 above refers will not come into force, and may not be implemented, until the expiry of 5 clear working days after the decision was made and recorded.
- 9.4 Where a decision referred to in Rule 9.1 has been made, any 20 or more Shadow Members, who are not members of the Shadow Executive, provided those Shadow Members include members from more than one political party may submit a call-in notice, in writing, within the period specified in Rule 9.3 above, to the Monitoring Officer. Where the notice is valid, the decision cannot be implemented until the procedures in this section have been followed. Where a valid notice is received the decision shall stand referred to the Overview and Scrutiny Committee for advice.
- 9.5 Where as a result of a corporate electronic system failure or planned shutdown, which prevents the issuing of or access to Shadow Executive decisions or the submission of a call-in notice by electronic means in accordance with the Shadow Authority's call-in provisions, the periods for notification or submission shall be extended by the period of delay, provided that period is in excess of four hours.

- 9.6 When, in the opinion of the Monitoring Officer, the period of delay is likely to extend beyond two clear working days, he/she shall agree with the Chairman of the Overview and Scrutiny Committee, alternative arrangements to avoid any delay in implementing Shadow Executive decisions not subject to “call-in”.
- 9.7 The decision will be referred to the first available meeting of the Overview and Scrutiny Committee, subject to the Access to Information Procedure Rules.
- 9.8 The Committee, having considered the matter, may decide to offer no advice and in which case the decision may be implemented immediately. Where advice is offered, the Shadow Executive will reconsider the decision as set out in Rule 9.10.
- 9.9 Once the Overview and Scrutiny Committee has decided to offer advice or not to offer advice, no further call-in notices may be served in respect of that matter subject to the decision in question. This does not prevent the matter being scrutinised further by the Committee after the decision has been implemented in accordance with these rules.
- 9.10 Where a matter is considered and advice is offered by the Overview and Scrutiny Committee, its advice will be submitted to the Shadow Executive for a decision to be made on the matter. The Shadow Executive shall consider the advice but shall not be bound to accept it in whole or in part. It shall have sole discretion to decide on any further action to be taken in relation to the decisions in question, including confirming with or without amendment, of the original decision or deferment pending further consideration, or making a different decision. There are no further rights to enable a Shadow Member to submit a call-in notice. The decision may then be implemented.
- 9.2 A submitted call-in notice can only be withdrawn with the written consent of all of its signatories.
- 9.3 The “call-in” facility does not apply to the determination of a Motion under Meeting Procedure Rule D (11).

10 Call-in and Urgency

- 10.1 The call-in procedure set out above shall not apply where the decision being taken by the Shadow Executive the Leader, Portfolio Holder or an officer is urgent. A decision will be urgent if any delay, caused by the call-in process, would be likely to seriously prejudice the Shadow Authority’s or the public’s interests. The Chairman of the Overview and Scrutiny Committee or, in his/her absence, the Chairman of the Shadow Authority must agree that the decision should be treated as urgent, and that the call-in procedure should not apply. In the absence of the Chairman, the Vice-Chairman’s consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee’s consent shall be required.

11 Councillor Call for Action

- 11.1 Any member of the Shadow Authority may submit a Councillor Call for Action using the appropriate form. The Councillor Call for Action is intended to be a process of last resort and therefore a member must demonstrate that reasonable steps have been taken to resolve the matter including a response from the relevant Portfolio Holder and the Head of Paid Service or his/her nominee. The Councillor Call for Action will be placed on the agenda of the Overview and Scrutiny Committee. It is for the Overview and Scrutiny Committee to determine how it wishes to respond to the Councillor Call for Action and in the case of refusal to undertake a review then reasons must be provided.

12 The Party Whip

- 12.1 The use of the Party Whip is incompatible with the role of the Overview and Scrutiny Committee and shall not be used.

13 Procedure at Overview and Scrutiny Committee Meetings

- 13.1 The Overview and Scrutiny Committee shall consider the following business:
- (a) record of the last meeting;
 - (b) consideration of any matter referred to the Committee by the Shadow Authority or by the Shadow Executive;
 - (c) consideration of any matter referred to the Committee for advice in relation to call-in or a decision;
 - (d) responses of the Shadow Executive on reports of the Overview and Scrutiny Committee; and
 - (e) the business otherwise set out on the agenda for the meeting.
- 13.2 Where the Overview and Scrutiny Committee conducts investigations (e.g. with a view to policy development), the Committee may also ask people to attend to give evidence at its meetings, which are to be conducted in accordance with the following principles:
- (a) the investigation be conducted fairly and all members of the Committee be given the opportunity to ask questions of attendees, and to contribute and speak;
 - (b) those assisting the Committee by giving evidence be treated with respect and courtesy; and
 - (c) the investigation be conducted so as to maximise the efficiency of the investigation or analysis.

- 13.3 Where the Committee sits as a Conduct Sub-Committee of three the principles of a fair hearing will be followed allowing all parties to be heard whether in person or on paper through representations.
- 13.4 When the Committee sits as a Conduct Sub-Committee a decision notice will be prepared and served on all parties.
- 13.5 Following any investigation (except for a Conduct Sub-Committee) or review, the Committee shall prepare a report for submission to the Shadow Executive and/or Shadow Authority as appropriate and shall, unless there are exceptional reasons, make its report and findings public.

D. Meeting Procedure Rules

1. Shadow Authority Meetings
2. Chairman and Vice Chairman of the Shadow Authority
3. Quorum
4. What the Shadow Authority can Decide
5. Order of Business
6. Urgent Business
7. Confirmation of Minutes
8. Matters for Decision by the Shadow Authority
9. Questions by Members at Shadow Authority Meetings
10. Public Questions
11. Notices of Motion
12. Motions Which May be Moved without Notice
13. Rules of Debate
14. Voting
15. Offices and Appointments
16. Election of Chairman of Committees
17. Urgent Business – Non-Shadow Executive Matters
18. Application to Committees
19. General Provisions
20. Disclosure of Confidential/ Exempt Matters
21. Disorderly Conduct by Members
22. Disturbance by Members of the Public
23. Variation and Revocation of Procedure Rules
24. Suspension of Procedure Rules
25. Interpretation on Procedure Rules
26. Submission of Notices by Members – Electronic Means

Shadow Authority meetings

1 Shadow Authority meetings

- 1.1 The Shadow Authority will decide when its meetings will take place. Details will be contained in a calendar of meetings which will be approved by the Shadow Authority.
- 1.2 Meetings will be held at a time and a place (or places) to be agreed by the Shadow Authority. The Chairman, or the Shadow Authority, can agree to hold a meeting at a different place or time.
- 1.3 A special meeting can be called by resolution of the Shadow Authority or by the Chairman in consultation with the Leader. The Monitoring Officer, in consultation with the Chairman, may also call a special meeting.

2 Chairman and Vice Chairman of the Shadow Authority

- 2.1 At its first meeting, the Shadow Authority will elect its Chairman and appoint its Vice-Chairman for the Shadow Period.
- 2.2 The Chairman of the Shadow Authority, or in his/her absence the Vice-Chairman (who will have the same powers and duties as the Chairman), will preside at meetings of the Shadow Authority. Where both the Chairman and Vice-Chairman are absent, the Shadow Authority will appoint another Shadow Member, other than a member of the Shadow Executive, to chair the meeting, who will have the same powers and duties as the Chairman.

3 Quorum

- 3.1 No business shall be dealt with at a Shadow Authority meeting if there are fewer than one quarter of the number of Shadow Members present. Where the meeting has started, and the number of Shadow Members present is fewer than one quarter of the number of Shadow Members, the Chairman will adjourn the meeting. Where the Chairman does not give a date and/or time, all business not completed will be considered at the next meeting.

4 What the Shadow Authority can decide

- 4.1 The Shadow Authority will decide such matters as required by the law, and those matters set out in Part 3 of this Constitution which fall to be decided by the Shadow Authority.
- 4.2 The Shadow Authority is unable to decide upon Executive matters.

5 Order of business

- 5.1 Business shall be dealt with in the order in which it is set out in the agenda unless the Shadow Authority decides otherwise.

6 Urgent business

- 6.1 Business cannot be dealt with at a Shadow Authority meeting unless it is included in the Summons or unless the Chairman has agreed that it is urgent and cannot wait until the next meeting, in accordance with Section 100B of the Local Government Act 1972. The Chairman must give the reasons for urgency, which must be recorded in the Minutes of the meeting.

7 Confirmation of Minutes

- 7.1 Minutes of the last Shadow Authority meeting must be confirmed at the next ordinary meeting of the Shadow Authority.
- 7.2 No discussion shall take place upon the Minutes except upon their accuracy. A mover's speech shall be confined to 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.

8 Matters for decision by the Shadow Authority

- 8.1 All matters for decision by the Shadow Authority (except any urgent items) shall be included with the agenda.
- 8.2 When the item is reached on the agenda, the Leader, the relevant Portfolio Holder or the Chairman of the relevant Committee will, where appropriate, move the recommendation or advice of the Shadow Executive or Committee, or endorsement of a Shadow Executive or a Committee decision. Another Shadow Member may second the motion and may reserve the right to speak until later in the debate.
- 8.3 The Chairman cannot ask the Shadow Authority to agree to withdraw a recommendation of the Shadow Executive or a Committee, unless new and relevant information has become available after the decision of the body concerned. The information must be disclosed to the Shadow Authority.

9 Questions by Members at Shadow Authority meetings

- 9.1 A Shadow Member may ask the Leader, a Portfolio Holder or the Chairman of a Shadow Authority Committee any question about a matter which the Shadow Authority, the Shadow Executive or the Committee has powers, duties or responsibilities for.
- 9.2 Questions shall be submitted in writing to the Monitoring Officer by no later than 12 noon, 5 working days before the Full Shadow Authority meeting.

- 9.3 Questions shall be limited to a maximum of 60 words. The questioner will have one minute to ask it, and the Member replying to the question shall have a maximum of three minutes to respond.
- 9.4 Every question will be put and answered without discussion and no resolution may be moved on a question or reply. Where reference is made to a written reply, copies shall be sent to all Members.
- 9.5 A question will be rejected by the Chairman in consultation with the Monitoring Officer where it:
 - a. does not relate to a matter for which the Shadow Authority /committee has a responsibility or which affects the Shadow Authority's administrative area;
 - b. is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - c. requires the disclosure of confidential or exempt information;
 - d. names or identifies individual service users, members of staff or members of staff of partner agencies; or
 - e. is considered to be inappropriate for the particular meeting.
- 9.6 A Shadow Member may ask no more than one question at any meeting.
- 9.7 Subject to Rule 10.5 questions will be asked in the order of receipt. The Shadow Member to whom the question is addressed may decline to answer any question or may: reply direct, reply by reference to a publication, or reply by written answer with a copy to such other Shadow Members as the Shadow Authority agrees, or refer the question to an appropriate committee or to the Shadow Executive.
- 9.8 The time allowed for Members to ask questions under this Rule will be a maximum of 15 minutes. Any questions remaining unanswered at the end of the 15 minute period shall receive a written response after the meeting from the appropriate Member and these to also be appended to the Minutes of the meeting.
- 9.9 If a Member is unable through absence to put a question when it is reached on the agenda, such a question shall be treated as withdrawn.

10 Public Questions

- 10.1 Members of the public may ask questions of the Leader, a Portfolio Holder, or a Chairman of a Shadow Authority Committee.
- 10.2 Questions must be submitted to the Monitoring Officer by no later than 12 noon, 5 working days before the meeting.
- 10.3 Questions will be asked in the order they are received. No individual may submit more than one question at any meeting. A question may be rejected

if it:

- a. does not relate to a matter for which the Shadow Authority /committee has a responsibility or which affects the Shadow Authority's administrative area;
 - b. is defamatory, frivolous, offensive, vexatious, unlawful or otherwise improper;
 - c. requires the disclosure of confidential or exempt information;
 - d. names or identifies individual service users, members of staff or members of staff of partner agencies; or
 - e. is considered to be inappropriate for the particular meeting.
- 10.4 Questions shall be limited to a maximum of 60 words. The questioner will have one minute to ask it, and the Member replying to the question shall have a maximum of three minutes to respond.
- 10.5 Every question will be put and answered without discussion and no resolution may be moved on a question or reply. Where reference is made to a written reply, copies shall be sent to all Members.
- 10.6 Where a member of the public is unable through absence to put a question when it is reached on the agenda, such a question shall be treated as withdrawn.
- 10.7 The total time allowed for public question time shall be 15 minutes.

11 Notices of Motion

Procedure

- 11.1 Except for Motions Under Procedure Rule 12 which may be moved without notice, every notice of motion shall be given in writing, signed by the Member(s) of the Shadow Authority giving the notice, and delivered, at least seven clear working days before the next meeting of the Shadow Authority, to the office of the Monitoring Officer by whom it shall be dated, in the order in which it is received.

Motions to be set out in Summons

- 11.2 The summons for every ordinary meeting of the Shadow Authority will set out all motions of which notice has been duly given, unless the Member giving the notice has intimated in writing, when giving it, that he/she proposed to move it at some later meeting, or has since withdrawn it. The motions will be listed in the summons according to whether they relate to Shadow Executive or non-Shadow Executive functions but otherwise in the order in which they have been received.

Withdrawal of Motion which is before the Shadow Authority

- 11.3 Where a notice of motion is before the Shadow Authority having been formally moved and seconded and the mover wishes subsequently to withdraw it, he/she with the consent of the seconder may do so in writing and with the consent of the Chairman of the Shadow Authority.

Scope of Motions

- 11.4 Every notice of motion shall be relevant to some matter in relation to which the Shadow Authority has powers, responsibilities or duties.

Motions not moved

- 11.5 A member giving a notice of motion under Procedure Rule 11.1 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. Where a member is unable through absence to move a motion under Procedure Rule 11.1, that Member may, in writing, and with the consent of the Chairman, assign the right to move the motion to another Member.

Automatic reference to Shadow Executive, Committee/Sub-Committee– Non Shadow Executive Function

- 11.6 If the subject of any motion (which does not relate solely to any Shadow Executive function or part of a function) comes within the powers, duties and responsibilities of any Committee or Sub-Committee or the Shadow Executive, it shall, when it has been moved and seconded, stand referred without discussion to such of those bodies as the Chairman may determine, for consideration and report. However, if the Chairman considers it conducive to the dispatch of business, the motion may be dealt with at the meeting at which it is brought forward. Unless the Chairman has indicated that he/she proposes to deal with the motion at the meeting, the mover may formally move the motion and reserve the right to speak until the report on the motion comes before the Shadow Authority.
- 11.7 Advice to the Shadow Authority on any referred Notice of Motion under this section will be formulated by the Shadow Executive and by such other bodies (Committees, Sub-Committees) as are deemed appropriate. The report to Shadow Authority will set out the views of all bodies consulted on the Notice of Motion. The Minutes of a Committee or Sub-Committee containing advice to the Shadow Authority on any referred Notice of Motion shall be dealt with separately from the other Minutes of those bodies.

Automatic reference to the Shadow Executive – Shadow Executive Function

- 11.8 If the subject of any motion of which notice has been duly given comes solely within the powers, duties and responsibilities of the Shadow Executive, it shall, when it has been moved and seconded, stand referred to the Shadow Executive to determine subject to the advice from any other body whose views are sought as determined by Shadow Authority. The

mover on formally moving the motion has the right to speak to the Motion. The seconder may also speak to the Motion. The Chairman will allow a period of fifteen minutes for a debate on any such notices of motion. This period shall include any speeches made by the mover and seconder of the motion in question. At the end of the debate if sooner or upon the expiration of the fifteen minutes, the appropriate Shadow Executive Member shall have an opportunity to respond. No speeches including the response shall exceed two minutes. No amendments to the motion may be moved. The motion will then stand referred to the Shadow Executive.

- 11.9 There are no rights of “call in” or “reference to the Shadow Authority” where the Shadow Executive has discharged a motion submitted under this Procedure Rule.

Deferment of a Notice of Motion

- 11.10 Where a notice of motion has been moved and seconded, and referred for advice, the consideration of the motion may be deferred where the mover and seconder signify in writing his/her agreement to the deferral and the Chairman of the Shadow Authority indicates, in writing, his/her agreement on behalf of the Shadow Authority. The matter would then come to a subsequent meeting of the Shadow Executive for report and decision.

12 Motions Which May Be Moved Without Notice

1. Appointment of a Chairman of the meeting at which the motion is made.
2. That an item of business specified in the summons should have precedence.
3. Reference to the Shadow Authority, a Committee, Sub-Committee, or the Shadow Executive.
4. Appointment of or appointment to Committees, Sub-Committees, or the Shadow Executive occasioned by an item mentioned in the summons to the meeting.
5. Adoption of recommendations of the Shadow Executive, Committees and Sub-Committees and any consequent resolutions.
6. That leave is given to withdraw a motion.
7. Receipt of reports of officers and any consequent resolutions.
8. Extending the time limit for speeches.
9. Amendment to motions.
10. That the Shadow Authority proceed to the next business.
11. That the question be now put.
12. That the debate be now adjourned.

13. That the Shadow Authority do now adjourn.
14. Authorising the sealing of documents.
15. Suspending Procedure Rules, in accordance with Procedure Rule 24.
16. Motion under Section 100A(4) of the Local Government Act 1972 to exclude the press and public.

13 Rules of Debate

Motions and Amendments

- 13.1 No motion or amendment shall be discussed unless it has been proposed and seconded. Where required by the Chairman, motions or amendments shall be put in writing and handed to the Chairman before they are further discussed or put to the meeting. At meetings other than those of the full Shadow Authority, the Chairman of that meeting may, at his/her discretion, allow a motion or amendment to be put which is not in writing, provided that the Chairman has concluded that the wording of the motion or amendment is understood by all members of the body concerned. This requirement does not apply to motions submitted under Procedure Rule 11.

Seconders' Speech

- 13.2 When seconding a motion or amendment a Shadow Member may advise the Chairman that he/she will reserve his/her right to speak until a later period in the debate.

Only one Shadow Member to stand at a time

- 13.3 When speaking at a Shadow Authority meeting a Shadow Member shall stand and address the Chairman. While a Shadow Member is speaking the other Shadow Members will remain seated, unless rising on a point of order or in personal explanation.

Content and length of speeches

- 13.4 A Shadow Member will confine his/her speech to the question under discussion, a personal explanation or a point of order. Except for speeches by the Chairman, Leader and the Finance Portfolio member when presenting the Budget, no speech will exceed two minutes.

When a Shadow Member may speak again

- 13.5 At a Shadow Authority meeting a Shadow Member who has spoken on any motion shall not speak again whilst it is the subject of debate, except:
 - (a) to speak once on an amendment moved by another Shadow Member;
 - (b) if the motion has been amended since he/she last spoke, to move a further amendment;

- (c) if his/her first speech was on an amendment moved by another Shadow Member, to speak on the main issue, whether or not the amendment on which he/she spoke was carried;
- (d) in exercise of a right of reply ;
- (e) on a point of order referring to the specific Procedure Rule;
- (f) by way of personal explanation;
- (g) to move one of the motions specified in 14.14 (b) to (j), below when the procedure in those paragraphs shall be followed.

13.6 At Committees or Sub-Committees Shadow Members may, at the discretion of the Chairman, speak more than once.

Amendments to Motions

13.7 An amendment must be relevant to the motion and shall be either:

- to leave out words;
- to leave out words and add others;
- to insert or add words;

but such amendment shall not have the effect of negating the motion before the Shadow Authority.

Number of Amendments

13.8 Only one amendment may be moved and discussed at a time. No further amendment shall be moved until the amendment under discussion has been disposed of, although the Chairman may allow two or more amendments to be discussed (but not voted on) together if this would facilitate the proper conduct of the business before the meeting.

Status of Amendments

13.9 If an amendment is lost, another amendment may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion upon which any further amendment may be moved.

Alterations to Motions or Amendments

13.10 A Shadow Member may alter a motion or amendment of which he/she has given notice and may also, with the consent of the seconder, alter a motion or amendment which he/she has moved. In both cases, the consent of the Shadow Authority (the Committee or Sub-Committee) is required. There should be no discussion on whether consent should or should not be given.

Withdrawal of Motion

13.11 A motion or amendment may be withdrawn by the mover provided the seconder and the meeting, without discussion, agree. Once the mover has

asked for permission to withdraw, there should be no further discussion, unless the meeting refuses to agree to the request.

Right of Reply

- 13.12 The mover of the motion shall have a right to reply at the close of the debate on the motion, immediately before it is put to the vote. If an amendment is moved, the mover of the original motion shall have a right of reply at the close of the debate on the amendment but shall not otherwise speak on it.
- 13.13 The mover of the amendment shall have no right of reply to the debate on his/her amendment.

Motions which may be moved during debate

- 13.14 When a motion is under debate no other motion shall be moved except the following:
- a. to amend the motion;
 - b. to adjourn the meeting;
 - c. to adjourn the debate
 - d. to proceed to the next business;
 - e. to suspend Procedure Rules;
 - f. to suspend Procedure Rules;
 - g. to refer a matter to the Shadow Authority, Shadow Executive, or a Committee;
 - h. that the question be now put;
 - i. that a Shadow Member be not further heard;
 - j. by the Chairman that a Shadow Member do leave the meeting;
 - k. a motion under Section 100A(4) of the Local Government Act 1972 to exclude the public.

Closure Motions

- 13.15 A Shadow Member may move, without comment, at the conclusion of a speech of another Shadow Member, "That the Shadow Authority proceed to the next business", "That the question be now put", "That the debate be now adjourned", or "That the Shadow Authority do now adjourn". When one of these Motions has been seconded the Chairman shall proceed as follows:
- 13.16 on a motion to proceed to next business - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall first give the mover of the original motion the right of reply, and then put to the vote the motion to proceed to next business;
- 13.17 on a motion that the question be now put - unless in his/her opinion the matter before the meeting has been insufficiently discussed, he/she shall put to the vote the motion that the question be now put and, if it is passed, give the mover of the original motion the right of reply before putting the motion to the vote;
- 13.18 on a motion to adjourn the debate or the meeting - if in his/her opinion the

matter before the meeting has been insufficiently discussed on that occasion he/she shall put the adjournment motion to the vote without giving the mover of the original motion the right of reply on that occasion.

Points of Order

- 13.19 A Shadow Member may rise on a point of order or in personal explanation and shall be entitled to be heard immediately. A point of order shall relate only to an alleged breach of a Procedure Rule or statutory provision and the Shadow Member shall specify the Procedure Rule or statutory provision and the way in which he/she considers it has been breached. A personal explanation shall be confined to some material part of a former speech by him/her which may appear to have been misunderstood in the current debate.

Ruling of Chairman on a Point of Order/Personal Explanation

- 13.20 The ruling of the Chairman of the meeting on a point of order or on the admissibility of a personal explanation shall not be open to discussion and shall be final.

Respect for the Chair

- 13.21 At the Shadow Authority meeting whenever the Chairman rises during a debate a Shadow Member then standing shall sit down and the Shadow Authority shall be silent. No Member shall speak unless called upon to do so by the Chairman. In Committee or Sub-Committee meetings, whenever the Chairman rises from his/her seat, the Shadow Members should remain in their seats and the Committee or Sub-Committee shall be silent.

14 Voting

- 14.1 Each Shadow Member has one vote.
- 14.2 Voting will be by a show of hands.
- 14.3 When a Shadow Member asks for a recorded vote to be taken, and 20 other Shadow Members stand in their places to support the request, the vote will be recorded to show whether each Shadow Member voted for, or against the motion, or abstained.
- 14.4 If a recorded vote is undertaken, the Monitoring Officer or their representative(s) shall call upon each member present to say if that Member is voting for, against, or abstains from voting on the matter before the meeting. A Member may not change his or her vote once it is cast and the next Member has been called upon to vote. If at any meeting, a Member arrives before the casting of votes has been completed he/she is entitled to cast a vote.
- 14.5 A recorded vote will not be taken if the vote has already begun to be taken by a show of hands.
- 14.6 A Shadow Member may require, after a vote is completed, that the Minutes of the meeting record how he/she voted or abstained.

- 14.7 A Shadow Member may, immediately after the item of business is voted upon, request that a lost motion or amendment be recorded in the minutes.
- 14.8 Where there are equal votes cast for a motion or amendment the Chairman or the person presiding will have a second or casting vote.

15 Offices and Appointments

- 15.1 Voting to elect or appoint the Chairman and Vice-Chairman of the Shadow Authority, or Shadow Members to any office or position where more than one person is nominated shall be a show of hands.
- 15.2 If on a vote no person receives more than half of the votes cast, the name of the person with the least number of votes will be withdrawn. Further votes will be held until one person receives a clear majority.
- 15.3 The Chairman, or person presiding, will have a second or casting vote where the votes are equal.

16 Election of Chairman of Committees

- 16.1 The Chairman and Vice-Chairman of every Committee excluding the Shadow Executive will be elected at the first meeting of the Shadow Authority where possible.
- 16.2 The Shadow Member elected to each office must be a member of the relevant Committee or Sub-Committee.
- 16.3 Where a vacancy occurs in any office, an election will be held at the next ordinary meeting of the relevant Committee unless the Shadow Authority decides otherwise.
- 16.4 Unless the Shadow Authority decides otherwise, the election will be conducted by a show of hands and may relate to a number of offices.
- 16.5 Where a Chairman and Vice-Chairman are absent from a meeting of the relevant body, a Chairman will be appointed from those members of the body present, provided the meeting is quorate and subject to any restrictions on the eligibility of Shadow Executive members for appointment.

17 Urgent Business – Non-Shadow Executive matters

- 17.1 An item of urgent business which has to be decided before the next meeting of the Shadow Authority and which does not fall within the Shadow Executive's functions and responsibility can be determined by the lead officer of the Implementation Team, subject to the procedure in Appendix 1.

18 Application to Committees

- 18.1 All of the Council Rules of Procedure apply to meetings of the Shadow Authority. None of the rules apply to meetings of the Cabinet. Only Rules 3 – 7; 11 – 14, 18 – 19, and 21 - 25 (not 13.3, 13.4 or 13.5) shall apply to meetings of Committees.

19 General Provisions

- 19.1 Records of Attendance

- 19.2 The Monitoring Officer will keep a record of Members attending any meeting of the Shadow Authority, the Shadow Executive, and any Committees

20 Disclosure of Confidential/Exempt Matters

- 20.1 No Shadow Member shall disclose to any person the whole or any part of the contents of any agenda, report or other document which is marked “confidential” or “not for publication” unless and until the document has been made available to the public or the press by or on behalf of the Shadow Authority, the Shadow Executive, or a Committee.
- 20.2 No Shadow Member shall disclose to any person other than a Shadow Member any matter arising during the proceedings of the Shadow Authority, the Shadow Executive, or any Committee, and which comes to his/her knowledge by virtue of his/her office as a Member where such disclosure would prejudice the interest of the Shadow Authority or would be contrary to law.
- 20.3 No Shadow Member shall, without the consent of the Chairman of the appropriate body, disclose to any person any decision or proceedings of that body except:
- a. when a report on the matter has been circulated to the Shadow Authority by that body; or
 - b. when the decision has become public knowledge; or
 - c. when the matter comes within the powers of that body and a final decision has been made upon it; provided that this paragraph shall not authorise any disclosure which would contravene Rules 20.1 or 20.2.

21 Disorderly conduct by Members

- 21.1 If at a meeting any Shadow Member, in the opinion of the person presiding, misconducts themselves in any way, the person presiding or any other Shadow Member may move “That the Shadow Member be not further heard”. The motion, if seconded, shall be put and determined without discussion.

- 21.2 If the Shadow Member continues the misconduct after a motion under the Rule 21.1 has been carried, the person presiding may: either move “That the Shadow Member do leave the meeting” (in which case the motion shall be put and determined without seconding or discussion); or adjourn the meeting.
- 21.3 In the event of general disturbance by Shadow Members at any meeting which, in the opinion of the person presiding, renders the due and orderly dispatch of business impossible, the person presiding, will have the power to adjourn the meeting.

22 Disturbance by members of the Public

- 22.1 If a member of the public interrupts the proceedings at any meeting the person presiding shall warn him/her. If he/she continues, the person presiding shall order his/her removal from the meeting. In cases of general disturbance in any part of the meeting room open to the public, the person presiding shall order that part to be cleared.

23 Variation and revocation of Procedure Rules

- 23.1 Any motion to vary or revoke these Rules shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Shadow Authority.

24 Suspension of Procedure Rules

- 24.1 Subject to Rule 24.2, any of the preceding Procedure Rules may be suspended in respect of any business at a meeting of the Shadow Authority, a Committee or Sub-Committee where its suspension is moved.
- 24.2 A motion to suspend Procedure Rules shall not be moved without notice (that is under Procedure Rule 12) unless there shall be present at least one third of the Members of the Shadow Authority or that Committee or Sub-Committee respectively.

25 Interpretation of Procedure Rules

- 25.1 The Chairman’s interpretation and application of these Procedure Rules, or as to any proceedings of the Shadow Authority, shall not be challenged at any meeting.

26 Submission of Notices by Members – Electronic Means

- 26.1 A Shadow Member may communicate, by electronic means, any notice under any of the Shadow Authority’s Procedural Rules to initiate any process or procedure provided it is clear that the notice has been originated by that Member

Appendix 1 - Procedure Rules Relating to the Shadow Authority, Committees and Sub-Committees: Meeting Procedure Rule 17

Non-Shadow Executive Functions

1 Approval of urgent business

Where any matter is urgent and cannot await the next meeting, the lead officer of the Implementation Team may take the necessary action, provided that he/she has first consulted the relevant Chairman (or Vice- Chairman if he/she is not available).

2 Consultation

A copy of the consultation document shall be sent to the appropriate Shadow Executive Member, the Chairman and Spokespersons of the appropriate Overview and Scrutiny Committee, the party group leaders and the local Shadow Members.

3 Written approval

Any such approval shall be in writing, consideration being given after consultation with the Chief Finance Officer and the Monitoring Officer.

4 Obligations of the Monitoring Officer

The Monitoring Officer shall forthwith supply a copy of any approval requiring a report to a Committee or Sub-Committee which has been given by him/her to the lead officer of the Central Implementation Team and the Chief Finance Officer.

5 Report to Committee

A report of any action under paragraphs 1 to 4 above of this Procedure Rule shall be made available by electronic means to all Shadow Members of the Shadow Authority.

Shadow Executive functions

6 Consultation

The lead officer of the Implementation Team shall have sole discretion to decide the matter, having first taken into account any views of Shadow Members consulted under this procedure. A copy of the consultation document under this procedure shall also be sent to the Chairman and Spokespersons of the appropriate Overview and Scrutiny Committee, the appropriate Shadow Executive Member and the local Shadow Member.

7 Written Approval

Any such approval shall be in writing, and shall only be given after consultation with the Chief Finance Officer and the Monitoring Officer.

8 Obligations of the Monitoring Officer

A copy of any approval which has been obtained under paragraphs 6 to 8 above shall be supplied forthwith to the Monitoring Officer and Chief Finance Officer.

9 Report to Shadow Executive

A report of any decision under paragraphs 6 to 8 above shall be made available by electronic means to all.

10 Access to Information

In processing and deciding any matter under paragraphs 6 to 10 above, the relevant requirements of the Access to Information Procedure Rules will apply, as set out in this Constitution.

E. Financial Procedure Rules

1. Introduction

- 1.1. The Local Government Act 1972 Section 151 requires the Shadow Buckinghamshire Council to make arrangements for the proper administration of its financial affairs. The Shadow Authority has allocated this responsibility to the Section 151 Officer (Chief Financial Officer) for the new Buckinghamshire Council.
- 1.2. References to Section 151 Officer also apply to the appointment until a permanent appointment is made to the post.
- 1.3. These Financial Procedure Rules set out the financial responsibilities of the Shadow Authority, the Shadow Executive, Section 151 Officer and the Head of Paid Service (Designate or the Chief Executive) and their nominated representatives as appropriate, in relation to the Shadow Buckinghamshire Council prior to the creation of Buckinghamshire Council on the 1 April 2020.
- 1.4. Should any uncertainty or dispute arise about these Procedure Rules, the matter must be referred to the Section 151 Officer for interpretation and arbitration.
- 1.5. The Section 151 Officer has the authority to delegate matters under these Financial Procedure Rules, where appropriate, and records will be maintained of any such delegations.

2. Financial Transactions

- 2.1. The Shadow Authority will not incur any payments or receive any income.
- 2.2. Any expenditure incurred or income received on behalf of the Shadow Authority will be undertaken and accounted for by the existing councils, namely Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Buckinghamshire District Council and Wycombe District Council, herein and after referred to as the “Existing Councils”.

3. Responsibilities of the Section 151 Officer

- 3.1. Under Section 151 of the Local Government Act 1972, to undertake the duties of the Responsible Financial Officer to the Shadow Authority in preparing for a legally compliant Buckinghamshire Council on the 1 April 2020.
- 3.2. As Responsible Financial Officer, under Section 114 of the Local Government Finance Act 1988, making a report to the Shadow Authority, the Shadow Executive and external auditor if the Shadow Authority or one of its officers:
 - a. has made, or is about to make, a decision which involves committing one of the Existing Councils to unlawful expenditure on behalf of the Shadow Authority; or
 - b. has taken, or is about to take, an unlawful action on behalf of the Shadow Authority, which has resulted or would result in a loss or deficiency to the Existing Councils or the future Buckinghamshire Council.
- 3.3. As Responsible Financial Officer, under the Accounts and Audit Regulations 2015, to comply with internal control requirements as far as they are applicable to the creation of Buckinghamshire Council.
- 3.4. Reporting to the Shadow Executive any significant decisions of the Existing Councils in line with the approved Spending Protocol and/or would be to the detriment of the Shadow or Buckinghamshire Council.
- 3.5. Working with the Shadow Overview and Scrutiny Committee and the Shadow Executive to provide advice and financial information on the emerging financial position of Buckinghamshire Council and on the key financial controls necessary to secure sound financial management in the new organisation, including Financial Regulations, Financial Instructions, Financial Schemes of Delegation and Contract Standing Orders, as set out by the s151 Officer.
- 3.6. Maintaining and updating a medium term financial strategy.
- 3.7. Preparing the revenue budget and capital programme; advising on the level of council tax; and preparing treasury management, banking and exchequer functions.

4. Policies, Strategies and Plans

- 4.1. The Section 151 Officer is responsible for preparing the following documents for consideration by the Shadow Executive and approval by the Shadow Authority at the same time as the 2020/21 budget is approved and council tax set:
 - a) Capital Programme;
 - b) Prudential Indicators and Minimum Revenue Provision;
 - c) Treasury Management Policy Statement;
 - d) Capital and Investment Strategy; and
 - e) Medium Term Financial Strategy.
- 4.2. The Head of Paid Service is responsible for preparing Buckinghamshire Council's Pay Policy Statement for 2020/21, for consideration by the Shadow Executive and approval by the Shadow Authority at the same time as the budget is set.

5. Budget Setting for 2020/21

- 5.1. The revenue budget should reflect the corporate aims and priorities of the Shadow Authority and is set in the context of the proposed Medium Term Financial Strategy.
- 5.2. The Section 151 Officer is responsible for preparing a balanced 2020/21 budget in accordance with the Local Government Act 1992, as amended, in particular by the Localism Act 2011. To achieve this the Section 151 Officer is responsible for:
 - a) preparing a 2020/21 budget strategy and timetable for engagement with: the Shadow Executive; Shadow Authority; and the public, for consideration by the Shadow Executive;
 - b) setting a timetable for receipt of local precept information from town and parish councils in the Buckinghamshire Council area;
 - c) determining the detailed form of revenue estimates;
 - d) consolidating the first draft 2020/21 budget from the budget information prepared by the Existing Councils;
 - e) developing the draft budget, taking into account the revenue implications of the proposed capital programme and the council tax harmonisation policy, to identify the budget gap and recommend ways to close this gap, in liaison with the Shadow Overview and Scrutiny Committee, having regard for achieving best use of resources and value for money;
 - f) undertaking consultation on the budget proposals and reporting the outcome of the consultation to the Shadow Overview and Scrutiny Committee for consideration;
 - g) reporting the final draft budget, along with proposals to balance the budget and the outcome of the consultation, to the Shadow Executive for

consideration.

- 5.3. The Shadow Executive must consider the draft budget and agree budget proposals which will be submitted to the Shadow Overview and Scrutiny Committee for review, before the end of January 2020.
- 5.4. The Shadow Executive must make recommendations on the final, scrutinised, budget and council tax proposals to the Shadow Authority for approval by the third week of February 2020.

6. Capital Programme

- 6.1. The Section 151 Officer is responsible for undertaking financial appraisals of schemes, if required, and collating the capital estimates to form the capital programme, identifying the required financing and taking into account the full year revenue effect of each scheme and report this to the Shadow Executive.
- 6.2. The Shadow Executive will make recommendations on the capital programme and on any associated financing requirements to the Shadow Authority as part of the budget setting process.

7. Council Tax Base

- 7.1. Each of the existing billing authorities comprising the four district councils is responsible for calculating the council tax base for each of the towns and parishes within its administrative area and aggregating these figures to provide a council tax base for the district in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 7.2. The Section 151 Officer is responsible for:
 - a) aggregating the council tax base information provided by each of the districts to create a council tax base for the administrative area of Buckinghamshire Council (the billing authority), in early December;
 - b) promptly notifying the major preceptors and local preceptors of the relevant tax base for their purposes.

8. Setting the Council Tax

- 8.1. In order to raise sufficient council tax to meet the needs of Buckinghamshire Council, the major preceptors and local preceptors, the Section 151 Officer is responsible for:
 - a) using the tax base to calculate the average band D council tax and all of the council tax bands for Buckinghamshire Council and each of the major and local preceptors in the billing authority's area in accordance with the Local Government Act 1992, as amended, in particular by the Localism Act 2011;
 - b) agreeing the council tax leaflet for inclusion with the bills, with the Leader of the Shadow Authority;
 - c) promptly publishing the list of council tax bands, once approved by the Shadow Authority; and

d) applying any alternative notional amounts to the council tax comparators for 2020/21, when undertaking the comparison with the 2019/20 council tax, for the purposes of identifying if the council tax referendum limit has been breached. A statement as to the outcome of this calculation to be approved by the Shadow Authority.

8.2. The Shadow Authority is responsible for approving the council tax bands in respect of Buckinghamshire Council and the aggregation of the bands to arrive at the actual council tax chargeable in each town and parish area and the average council tax bands for the billing authority area.

9. Collection Fund

9.1. The Section 151 Officer is responsible for:

- a) creating a Collection Fund for the Buckinghamshire Council area one day after the Shadow Authority sets the 2020/21 budget and council tax; and
- b) undertaking council tax and national non-domestic rates billing, as soon as the Shadow Authority has approved the council tax.

10. Reserves and Balances

10.1. Financial reserves and balances are maintained as a matter of prudence against unforeseen events and future contingencies. They will enable Buckinghamshire Council to provide for unexpected events and thereby protect it from future extraordinary expenditure and overspends. Reserves for specific known purposes are also maintained and it is reasonable to build reserves in anticipation of a known call on resources in future years.

10.2. The Section 151 Officer is responsible for advising the Shadow Executive and Shadow Authority on the prudent level of reserves and balances for Buckinghamshire Council as part of the annual budget setting process based on an assessment of risk.

10.3. The purpose, usage and basis of transactions must be clearly set out in respect of each of the reserves and balances held by Buckinghamshire Council.

11. Returns and Grant Claims

The Section 151 Officer is responsible for submission of all returns and grant claims in respect of Buckinghamshire Council prior to 1 April 2020. These returns include:

- a) CTB1 – Calculation of Council Tax Bases
- b) NNDR1 – National Non-Domestic Rates Return
- c) CTR1 – Council Tax Requirement Return
- d) RA – Revenue Account Form
- e) Benefit Subsidy Claim

12. Financial Control

Under the Accounts and Audit Regulations 2015, the Section 151 Officer is responsible for ensuring that appropriate systems and financial controls are in place on the 1 April 2020 to provide effective management information, financial stewardship and control for Buckinghamshire Council.

13. Banking Arrangements

13.1. The Section 151 Officer is responsible for:

- a) Identifying the bank accounts required and opening these accounts in the name of Buckinghamshire Council by 1 April 2020;
- b) authorising bank signatories and setting up authorised accesses and roles;
- c) putting in place the arrangements required for the transmission of funds and collection of cash;
- d) agreeing procedures for managing the transition from the existing bank accounts and banking arrangements to those of Buckinghamshire Council.

14. Treasury Management

The Section 151 Officer is responsible for putting in place all necessary arrangements to enable Buckinghamshire Council to invest or borrow monies on 1 April 2020.

15. Insurances

The Section 151 Officer is responsible for putting in place adequate insurance arrangements for Buckinghamshire Council in readiness for 1 April 2020.

16. Taxation

The Section 151 Officer is responsible for liaising with HM Revenues and Customs to obtain appropriate taxation and VAT reference numbers, including a separate PAYE reference for Buckinghamshire Council's Returning Officer.

17. Audit

The Section 151 Officer is responsible for liaising with Buckinghamshire Council's appointed internal and external auditors prior to the creation of Buckinghamshire Council on 1 April 2020.

18. Contract Standing Orders

The Contract Standing Orders of the relevant existing council will apply for the purposes of the Shadow Authority.

19. Introduction

19.1. The Local Government Act 1972 Section 151 requires the Shadow

Buckinghamshire Authority to make arrangements for the proper administration of its financial affairs. The Shadow Authority has allocated this responsibility to the Section 151 Officer (Chief Financial Officer) for the new Buckinghamshire Council.

- 19.2. References to Section 151 Officer also apply to the appointment until a permanent appointment is made to the post.
- 19.3. These Financial Procedure Rules set out the financial responsibilities of the Shadow Authority, the Shadow Executive, Section 151 Officer and the Head of Paid Service (Designate or the Chief Executive) and their nominated representatives as appropriate, in relation to the Shadow Buckinghamshire Authority prior to the creation of Buckinghamshire Council on the 1 April 2020.
- 19.4. Should any uncertainty or dispute arise about these Procedure Rules, the matter must be referred to the Section 151 Officer for interpretation and arbitration.
- 19.5. The Section 151 Officer has the authority to delegate matters under these Financial Procedure Rules, where appropriate, and records will be maintained of any such delegations.

20. Financial Transactions

- 20.1. The Shadow Authority will not incur any payments or receive any income.
- 20.2. Any expenditure incurred or income received on behalf of the Shadow Authority will be undertaken and accounted for by the existing councils, namely Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Buckinghamshire District Council and Wycombe District Council, herein and after referred to as the "Existing Councils".

21. Responsibilities of the Section 151 Officer

- 21.1. Under Section 151 of the Local Government Act 1972, to undertake the duties of the Responsible Financial Officer to the Shadow Authority in preparing for a legally compliant Buckinghamshire Council on the 1 April 2019.
- 21.2. As Responsible Financial Officer, under Section 114 of the Local Government Finance Act 1988, making a report to the Shadow Authority, the Shadow Executive and external auditor if the Shadow Authority or one of its appointed officers:
 - c. has made, or is about to make, a decision which involves committing one of the Existing Councils to unlawful expenditure on behalf of the Shadow Authority; or
 - d. has taken, or is about to take, an unlawful action on behalf of the Shadow Authority, which has resulted or would result in a loss or deficiency to the Existing Councils or the future Buckinghamshire Council.
- 21.3. As Responsible Financial Officer, under the Accounts and Audit Regulations 2015, to comply with internal control requirements as far as they are

applicable to the creation of Buckinghamshire Council.

- 21.4. Reporting to the Shadow Executive any significant decisions of the Existing Councils that would be to the detriment of the Shadow or Buckinghamshire Council.
- 21.5. Working with the Budget Task and Finish Group and the Shadow Executive to provide advice and financial information on the emerging financial position of Buckinghamshire Council and on the key financial controls necessary to secure sound financial management in the new organisation.
- 21.6. Maintaining and updating a medium term financial strategy.
- 21.7. Preparing the revenue budget and capital programme; advising on the level of council tax; and preparing treasury management, banking and exchequer functions.

22. Policies, Strategies and Plans

- 22.1. The Section 151 Officer is responsible for preparing the following documents for consideration by the Shadow Executive and approval by the Shadow Authority at the same time as the 2020/21 budget is approved and council tax set:
 - a) Capital Programme;
 - b) Treasury Management Strategy including:
 - i) Capital Prudential Indicators and Limits for 2020/21 to 2024/25;
 - ii) Minimum Revenue Provision Statement;
 - iii) Treasury Prudential Indicators;
 - iv) Authorised Limit Prudential Indicator; and
 - v) Debt and Investment Strategy 2020/21 and associated criteria.
 - c) Treasury Management Policy Statement;
 - d) Capital Strategy 2020-2025; and
 - e) Medium Term Financial Strategy 2020–2025.
- 22.2. The Head of Paid Service is responsible for preparing Buckinghamshire Council's Pay Policy Statement for 2020/21, for consideration by the Shadow Executive and approval by the Shadow Authority at the same time as the budget is set.

23. Budget Setting for 2020/21

- 23.1. The revenue budget should reflect the corporate aims and priorities of the Shadow Authority and is set in the context of the proposed Medium Term Financial Strategy.
- 23.2. The Section 151 Officer is responsible for preparing a balanced 2020/21 budget in accordance with the Local Government Act 1992, as amended, in

particular by the Localism Act 2011. To achieve this the Section 151 Officer is responsible for:

- a) preparing a 2020/21 budget strategy and timetable for engagement with: the Shadow Executive; Shadow Authority; and the public, for consideration by the Shadow Executive;
 - b) setting a timetable for receipt of local precept information from town and parish councils in the Buckinghamshire Council area;
 - c) determining the detailed form of revenue estimates;
 - d) consolidating the first draft 2020/21 budget from the budget information prepared by the Existing Councils;
 - e) developing the draft budget, taking into account the revenue implications of the proposed capital programme and the council tax harmonisation policy, to identify the budget gap and recommend ways to close this gap, in liaison with the Budget Task and Finish Group, having regard for achieving best use of resources and value for money;
 - f) undertaking consultation on the budget proposals and reporting the outcome of the consultation to the Budget Task and Finish Group for consideration;
 - g) reporting the final draft budget, along with proposals to balance the budget and the outcome of the consultation, to the Shadow Executive for consideration.
- 23.3. The Shadow Executive must consider the draft budget and agree budget proposals which will be submitted to the Shadow Overview and Scrutiny Committee for review, before the end of January 2020.
- 23.4. The Shadow Executive must make recommendations on the final, scrutinised, budget and council tax proposals to the Shadow Authority for approval by the third week of February 2020.
- 24. Capital Programme**
- 24.1. The Section 151 Officer is responsible for undertaking financial appraisals of schemes, if required, and collating the capital estimates to form the capital programme, identifying the required financing and taking into account the full year revenue effect of each scheme and report this to the Shadow Executive.
- 24.2. The Shadow Executive will make recommendations on the capital programme and on any associated financing requirements to the Shadow Authority as part of the budget setting process.
- 25. Council Tax Base**
- 25.1. Each of the existing billing authorities comprising the four district councils is responsible for calculating the council tax base for each of the towns and parishes within its administrative area and aggregating these figures to provide a council tax base for the district in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.

25.2. The Section 151 Officer is responsible for:

- a) aggregating the council tax base information provided by each of the districts to create a council tax base for the administrative area of Buckinghamshire Council (the billing authority), in early December;
- b) promptly notifying the major preceptors and local preceptors of the relevant tax base for their purposes.

26. Setting the Council Tax

26.1. In order to raise sufficient council tax to meet the needs of Buckinghamshire Council, the major preceptors and local preceptors, the Section 151 Officer is responsible for:

- a) using the tax base to calculate the average band D council tax and all of the council tax bands for Buckinghamshire Council and each of the major and local preceptors in the billing authority's area in accordance with the Local Government Act 1992, as amended, in particular by the Localism Act 2011;
- b) agreeing the council tax leaflet for inclusion with the bills, with the Leader of the Shadow Authority;
- c) promptly publishing the list of council tax bands, once approved by the Shadow Authority; and
- d) applying any alternative notional amounts to the council tax comparators for 2020/21, when undertaking the comparison with the 2020/21 council tax, for the purposes of identifying if the council tax referendum limit has been breached. A statement as to the outcome of this calculation to be approved by the Shadow Authority.

26.2. The Shadow Authority is responsible for approving the council tax bands in respect of Buckinghamshire Council and the aggregation of the bands to arrive at the actual council tax chargeable in each town and parish area and the average council tax bands for the billing authority area.

27. Collection Fund

27.1. The Section 151 Officer is responsible for:

- a) creating a Collection Fund for the Buckinghamshire Council area one day after the Shadow Authority sets the 2020/21 budget and council tax; and
- b) undertaking council tax and national non-domestic rates billing, as soon as the Shadow Authority has approved the council tax.

28. Reserves and Balances

28.1. Financial reserves and balances are maintained as a matter of prudence against unforeseen events and future contingencies. They will enable Buckinghamshire Council to provide for unexpected events and thereby protect it from future extraordinary expenditure and overspends. Reserves

for specific known purposes are also maintained and it is reasonable to build reserves in anticipation of a known call on resources in future years.

- 28.2. The Section 151 Officer is responsible for advising the Shadow Executive and Shadow Authority on the prudent level of reserves and balances for Buckinghamshire Council as part of the annual budget setting process based on an assessment of risk.
- 28.3. The purpose, usage and basis of transactions must be clearly set out in respect of each of the reserves and balances held by Buckinghamshire Council.

29. Returns and Grant Claims

The Section 151 Officer is responsible for submission of all returns and grant claims in respect of Buckinghamshire Council prior to 1 April 2020. These returns include:

- f) CTB1 – Calculation of Council Tax Bases
- g) NNDR1 – National Non-Domestic Rates Return
- h) CTR1 – Council Tax Requirement Return
- i) RA – Revenue Account Form
- j) Benefit Subsidy Claim

30. Financial Control

Under the Accounts and Audit Regulations 2015, the Section 151 Officer is responsible for ensuring that appropriate systems and financial controls are in place on the 1 April 2020 to provide effective management information, financial stewardship and control for Buckinghamshire Council.

31. Banking Arrangements

- 31.1. The Section 151 Officer is responsible for:
 - a) Identifying the bank accounts required and opening these accounts in the name of Buckinghamshire Council by 1 April 2020;
 - b) authorising bank signatories and setting up authorised accesses and roles;
 - c) putting in place the arrangements required for the transmission of funds and collection of cash;
 - d) agreeing procedures for managing the transition from the existing bank accounts and banking arrangements to those of Buckinghamshire Council.

32. Treasury Management

The Section 151 Officer is responsible for putting in place all necessary arrangements to enable Buckinghamshire Council to invest or borrow monies on 1 April 2020.

33. Insurances

The Section 151 Officer is responsible for putting in place adequate insurance arrangements for Buckinghamshire Council in readiness for 1 April 2020.

34. Taxation

The Section 151 Officer is responsible for liaising with HM Revenues and Customs to obtain appropriate taxation and VAT reference numbers, including a separate PAYE reference for Buckinghamshire Council's Returning Officer.

35. Audit

The Section 151 Officer is responsible for liaising with Buckinghamshire Council's appointed internal and external auditors prior to the creation of Buckinghamshire Council on 1 April 2020.

F. Staff Employment Procedure Rules

1 General

- 1.1 The Shadow Authority has limited powers in connection with the employment and designation of staff. It relies upon staff resources provided by all of the Buckinghamshire local authorities to carry out its work. These rules must therefore be read in that context.
- 1.2 Staff within the organisation are employed, appointed, designated or engaged on behalf of the whole Shadow Authority and not by parts of the organisation or individuals.
- 1.3 The employment, appointment, designation or engagement of all staff will be in compliance with the law and any policies and practices of the Shadow Authority.
- 1.4 Generally (except for certain senior staff appointments) the function of appointment and dismissal of, and taking disciplinary action against a member of staff of the Shadow Authority must be discharged on behalf of the authority by the Head of the Paid Service or by an officer nominated by him/her.

2 Recruitment and Appointment of Staff

- 2.1 Subject to the provisions of these Procedures, the recruitment, designation and appointment of staff will be conducted in accordance with the law and the Shadow Authority's policies and procedures.
- 2.2 Any candidate for any designation or appointment with the Shadow Authority who knows that he/she is related to a Shadow Member or employee of the Shadow Authority shall, when making application, disclose, in writing, that relationship to the Implementation Team Lead Officer for Human Resources. A person who deliberately fails to disclose such a relationship shall be disqualified from designation or appointment and, if designated or appointed, shall be liable to dismissal.
- 2.3 Every Shadow Member and employee of the Shadow Authority shall disclose to the Implementation Team Lead Officer for Human Resources any relationship known to him/her to exist between him/herself and any person he/she knows is a candidate for a designation or appointment by the Shadow Authority.
- 2.4 Any candidate for designation or appointment who directly or indirectly seeks the support of a Shadow Member or officer of the Shadow Authority in any designation or appointment shall be disqualified and, if designated or appointed, shall be liable to dismissal. A Shadow Member shall not solicit for any person in respect of any designation or appointment with the Shadow Authority, but may give a written testimonial of a candidate's ability, experience or character.
- 2.5 Persons shall be deemed to be related to a candidate or officer if they are a spouse, partner (i.e. member of a couple living together) parent, parent-in-law, grandparent, child, stepchild, adopted child, grandchild, child of partner,

brother, sister, uncle, aunt, nephew or niece or the spouse or partner of any of the preceding persons.

- 2.6 In the case of a dispute under paragraph 2.5 above about the status of a relationship in relation to an appointment, the Implementation Team Lead Officer for Human Resources will rule and such ruling will be applied.
- 2.7 The Implementation Team Lead Officer for Human Resources will ensure that the provisions of these Rules are reflected, as appropriate, in application forms or in any accompanying detailed procedures for each post, following advertisement.

3 Responsibility for Human Resources Matters

- 3.1 Subject to any matters reserved to the Shadow Authority, the Shadow Executive is responsible for the development of corporate personnel policies and for determining and monitoring such policies and for the operational implementation of those policies, including the development of practices and procedures to support those policies.

4 Responsibility of the Senior Appointments Committee

- 4.1 The responsibilities of the Senior Appointments Committee are set out in Part 3.
- 4.2 Subject to the provisions of these Rules, the Committee is also responsible for hearing and determining appeals under the Shadow Authority's employment-related policies, the suspension of sick pay and the review and determination of matters relating to any fixed term contracts. In determining these matters the Committee will have regard to the appropriate provisions of this procedure. The Committee may agree to discharge some of these functions through a Sub-Committee.
- 4.3 The Shadow Executive Member with responsibilities for individual Departments or Services and the associated resources is required to ensure that corporate personnel policies and procedures are applied by the Shadow Authority, including training, matters relating to discipline, workforce performance management, and grievance (other than determining appeals).

5 Appointment of Head of the Paid Service

- 5.1 The appointment of head of the paid service is subject to specific requirements as set out below.
- 5.2 Where the Shadow Authority proposes to appoint to the Head of the Paid Service, the Senior Appointments Committee will oversee the arrangements for filling the vacancy. For this purpose the Committee shall include at least one member of the Shadow Executive in its membership.
- 5.3 The Senior Appointments Committee shall:
 - (a) draw up a statement specifying the duties of the officer concerned and any qualifications or guidelines 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;
 - (c) make arrangements for a copy of the statement mentioned above to be sent to any person on request;
 - (d) where a post has been advertised as required above, the Committee will select from the applications a short list of qualified candidates and will then interview those included in the short list.
- 5.4 Following the interview of candidates, the Committee will come to a view as to the most suitable person for the position.
- 5.5 The Committee must advise the Implementation Team Lead Officer for Human Resources of:
 - (a) the name of the person in question; and
 - (b) any other particulars which the Committee consider are relevant to the appointment.
- 5.6 Within two clear working days of receiving the notification in paragraph 5.5 above, the Implementation Team Lead Officer for Human Resources will notify each member of the Shadow Executive of:
 - (a) the information notified under paragraph 5.5 above; and
 - (b) the period within which any objection to the making of the offer is to be made by the Leader on behalf of the Shadow Executive to the Implementation Team Lead Officer for Human Resources; such period shall not exceed five clear working days.
- 5.7 An offer of appointment must wait until:
 - (a) the Leader has, within the period of the notice under paragraph 5.6 above, notified the Committee through the Implementation Team Lead Officer for Human Resources that neither he/she nor any member of the Shadow Executive has any objection to the making of the offer; or
 - (b) the Implementation Team Lead Officer for Human Resources has notified the Committee that no objections have been received by her within the period of the notice under paragraph 5.6 above; or
 - (c) the Committee is satisfied that any objection received from the Leader within the notice period is not material or is not well founded. In this regard, where necessary, the advice of the Monitoring Officer should be sought.
- 5.8 Where following the above procedure there are no objections to the proposed appointment or any objections are not up-held, the Committee will recommend that person for appointment at the next meeting of the full Shadow Authority or at a specially convened meeting of the Shadow Authority. If the Shadow Authority approve the recommendation, then a formal offer of appointment

can be made.

- 5.9 Where following the interviews the Committee are of the view that there is no suitable candidate, it will re-advertise the post.
- 5.10 Where the Shadow Authority do not approve the recommendation of the Committee, it shall indicate how it wishes to proceed.

6 Appointment/dismissal of Head of Paid Service, Statutory Chief Officers, Non-Statutory Chief Officers and Deputy Chief Officers

The requirements of the Local Authorities (Standing Orders)(England) Regulations 2001 ("the Regulations") will be followed in respect of those posts which fall within the definitions of Head of Paid Service, Statutory Chief Officer, Non-Statutory Chief Officer and Deputy Chief Officer.

7 Appointments/dismissal of other officers

Where any appointments are made to positions other than those referred to in paragraph 6 above, or where such persons are dismissed, these shall be the responsibility of the head of the paid service, or another officer to whom he/she has delegated that responsibility.

**PART 5 -
CODE OF CONDUCT AND
MEMBER/OFFICER PROTOCOL**

Code of Conduct for Shadow Members

The Code of Conduct, as set out below, was adopted by the Shadow Authority with effect from 3rd June 2019.

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected Members of the Shadow Authority.

The Code sets out the standard of service that is expected from Members of the Shadow Authority. In particular, Members should act in an open and transparent manner and should not do anything which would prejudice the reputation of the Shadow Authority.

It is important Members carry out their duties having regard to the Shadow Authority expected standards of conduct, and if in any doubt they should seek guidance from the Shadow Authority Monitoring Officer. Where Members believe they may have an interest, they should consult the Shadow Authority Monitoring Officer in advance of the meeting they will be attending. A considered answer cannot be given at the meeting itself in the absence of all the facts.

This Code is adopted in accordance with Section 27(2) of the Localism Act 2011. This requires local authorities to adopt a Code of Conduct that is expected of Members.

UNDERLYING PRINCIPLES

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

- i. **Selflessness** - Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** - Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** - In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** - Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** - Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** - Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- vii. **Leadership** - Holders of public office should promote and support these principles by leadership and example.

APPENDIX A TO THIS CODE:

Sets out the definitions of Disclosable Pecuniary Interests.

PART 1

GENERAL PROVISIONS

1. Introduction and interpretation

- 1.1. This Code applies to **you** whenever you are acting in your capacity as a Member of Shadow Authority including:-
- (a) When acting as a representative of the authority;
 - (b) At briefing meetings with Shadow Authority officers;
 - (c) When corresponding with the authority other than in a private capacity.
 - (d) When posting comments on Social Media.
 - (e) Any of the Authority's meetings, advisory groups, boards, working parties and panels

2. General obligations

- 2.1. You must treat others with respect.
- 2.2. You must not:
- (a) do anything which may cause the Authority to breach UK equalities legislation;
 - (b) bully or harass any person;
 - (c) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
 - (d) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
 - (e) 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 you have consent of a person authorised to give it or are required by law to do so.
 - (f) use or attempt to use your position as a Member improperly to confer or secure an advantage for yourself or and advantage or disadvantage for any other person or body.

PART 2

INTERESTS

3. Disclosable Pecuniary Interests

- 3.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed (as the law stands).
- 3.2. You have a disclosable pecuniary interest if it is of a description specified in Regulations made by the Secretary of State, (attached at Appendix A), and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

4. Registration of Disclosable Pecuniary Interests

- 4.1. You must, within 28 days of:
- (a) this Code being adopted or applied by the Authority; or
 - (b) your election or appointment (where that is later),
- notify the Shadow Authority Monitoring Officer in writing of any Disclosable Pecuniary Interests you have at that time.
- 4.2. You must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Shadow Authority Monitoring Officer in writing of that new pecuniary interest or change.

5. Disclosable Pecuniary Interests in Matters Considered at Meetings

- 5.1. If you attend a meeting and have and are aware that you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at that meeting:-

if the interest is not entered in the Authority's register of Members' interests, you must, disclose to the meeting the fact that you have a

Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Shadow Authority Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

- (a) irrespective of whether the interest is registered **you must not** – unless you have obtained a dispensation from the Shadow Authority Monitoring Officer:
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

6. Non Statutory Disclosable Interests (Personal)

6.1. A non statutory interest can be pecuniary or non pecuniary.

6.2. You have a “non-statutory disclosable interest” in an item of business of your authority where:

- i) a decision in relation to that business might reasonably be regarded as positively affecting the well-being or financial standing* of you or a member of your family or a person or body 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
- ii) it relates to or is likely to affect any of the interests listed in the Table in the Appendix A to this Code, but in respect of a member of your family (other than a “relevant person”) or a person or body with whom you have a close association

and that interest is not a disclosable pecuniary interest.

6.3. If you attend a meeting and are aware that you have a “Non Statutory Disclosable Interest” in any matter to be considered, or being considered, at that meeting:

- (a) You must, disclose to the meeting the fact that you have a Non-Statutory Disclosable Interest in that matter, and
- (b) If the interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant as to prejudice your judgement of the public interest, you **must not**:
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or

- (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting;

apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter in a situation where a member of the public would be able to do so.

7. Sensitive Interests

- 7.1. Where you consider (and the Shadow Authority Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Non-Statutory Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a “sensitive interest” for the purposes of this Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed to the Shadow Authority Monitoring Officer.

8. Dispensations

- 8.1. Where a Member is prohibited from voting on or participating in discussions on matters in which they have a Disclosable Pecuniary Interest or a Non-statutory Disclosable Interest (“**Relevant Non-Statutory Disclosable Interest**”), a Member may on written notice to the Shadow Authority Monitoring Officer (by letter or email) request the grant of a dispensation to permit them to participate in the voting or discussions on such matters.
- 8.2. A dispensation requested may be granted only if, after having regard to all relevant considerations, the Shadow Authority Monitoring Officer is satisfied that one of the following grounds for the grant of dispensations applies:
 - (a) without the dispensation the number of persons prohibited 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; or
 - (b) 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; or
 - (c) granting the dispensation is in the interests of persons living in the authority's area; or
 - (d) Part 1A of the Local Government Act 2000 applies as the Shadow Authority is operating executive arrangements (Cabinet), and she/he considers that without the dispensation each Member of the authority's executive would be prohibited by section 31(4) of the Act 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.

- 8.3. Any Member who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which the dispensation relates.
- 8.4. A copy of the dispensation, in writing, shall be kept by the Shadow Authority Monitoring Officer.

Part 5 - Appendix A

Disclosable Pecuniary Interests (DPIs)

The duties to register, disclose and not to participate in respect of any matter in which a Member has a DPI are set out in Chapter 7 of the Localism Act 2011. DPIs are defined in Regulations made in 2012 as follows:-

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<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> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
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> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where -</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either -</p>

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

Definitions

For this purpose –

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

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

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

“M” means a Member of a relevant authority;

“member” includes a Co-opted Member;

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

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

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

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

Part 5 - Appendix B

SHADOW AUTHORITY ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011

Context

1. These “Arrangements” are made in accordance with section 28 (6) and (7) of the Localism Act 2011. They set out how to make a complaint against a member of the Shadow Authority that has failed to comply with the Shadow Authority’s Code of Conduct. They also set out how the Shadow Authority will deal with any complaints about such failures.

The Code of Conduct

2. The Shadow Authority has adopted a Code of Conduct for Members, and this Code is available for inspection on the Shadow Authority website.

The Independent Person

3. The Shadow Authority is required to appoint at least two independent persons. The Shadow Authority must consult an independent person and take his/her views into account before making a decision on a complaint that it has investigated.
4. The independent person may be consulted at various stages in the complaints process and can also be consulted by a Member who is the subject of a complaint.

Making a complaint

5. A complaint that a member of the Shadow Authority has failed to observe the Council’s Code of conduct should be submitted to:

The Monitoring Officer
Shadow Buckinghamshire Council
County Hall
Waltham Street
HP20 1UA

6. The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of Members’ interests and who is responsible for administering the arrangements for complaints about Member misconduct.
7. In order to ensure that the Monitoring Officer has all the information needed to process complaints, they should be submitted using the model complaint form which also explains the process and the relevant referral criteria at initial assessment. The complaint form can be downloaded from the Shadow Authority website. A copy of the form is also available on request from the Monitoring Officer.

8. Complainants must provide their name, postal address and, where possible, their email address. The Shadow Authority will not normally process an anonymous complaint, unless there is a clear public interest in doing so.
9. The Monitoring Officer will acknowledge receipt of the complaint and will notify the Member against whom the complaint is directed by providing a copy of the complaint to them within 5 working days of receiving it, and will keep both the complainant and the Member informed about the progress of the complaint.

10. Initial Assessment

The Monitoring Officer will assess every Member Code of Conduct complaint received to determine whether it discloses a potential breach of the Code of Conduct. If the Monitoring Officer concludes the complaint does not disclose a potential breach of the Code of Conduct then the Monitoring Officer may reject the complaint. Potential breaches of the code will be assessed by the Monitoring Officer after consultation with the Independent Person and will take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of a complaint but may take longer if additional information is sought or if the complaint is complex or involves the consideration of substantial documentation.

11. Whilst each allegation will be considered on its individual merits, the following "Referral Criteria" will be used at the initial assessment to decide whether to accept a complaint for investigation, take no further action or to decide upon some form of local resolution.

12. Referral Criteria

- Is the subject Member still a serving Member?
- Is the information submitted sufficient on which to make a decision?
- Is the complaint the same as or similar to a previous complaint?
- the complainant's view of the action which is proposed or has been taken
- the steps already taken or proposed to remedy the action complained of
- complaints about a shadow member by another shadow member will not normally be referred until the Monitoring Officer considers that other processes such as informal, political group or Chairman mediation have taken place
- the time passed since the alleged conduct occurred
- whether the complaint involves conduct too trivial to warrant further action
- whether the complaint appears to be malicious, politically motivated or tit for tat
- whether the matter complained of is an individual act or part of a continuous pattern of behaviour which should be cumulatively considered

- the public benefit in investigating the alleged complaint
 - the availability and cost of resources balanced with the seriousness of the alleged matter
 - any complaint made by an officer about a shadow member will normally only be referred for investigation after the protocol for Member/Officer Relations has been pursued.
 - any other substantial reason.
- 13.** Where the Monitoring Officer requires additional information in order to come to a decision, he/she may ask the complainant to provide further information, and may also request information from the Member against whom the complaint is directed.
- 14. Informal Resolution**
- 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, for example, the Member accepting that his/her conduct was unacceptable and offering an apology, or other appropriate remedial action. Where the member or the shadow authority makes a reasonable offer of informal resolution, but the complainant is unwilling to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.
- 15. Investigation**
- If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an officer of another authority or an external investigator.
- 16.** The Investigating Officer will decide whether he/she needs to meet or speak to the complainant to understand the nature of the complaint, to obtain an understanding of events, to identify what documents the Investigating Officer needs to see and who the Investigating Officer needs to interview.
- 17.** The Investigating Officer will normally contact the Member against whom the complaint has been made to provide him/her with a copy of the complaint and to obtain the member's explanation of events. The Member will be invited to identify what documents the Investigating Officer needs to see and who he/she needs to interview.
- 18.** In exceptional cases, where it is appropriate to keep the complainant's identity confidential or where disclosure of the details of the complaint to the member might prejudice the investigation, the Monitoring Officer may redact the complainant's name and address from the papers given to the Member, or delay notifying the Member until the investigation has progressed sufficiently.
- 19.** At any point, the Investigating Officer may refer the complaint to the Monitoring Officer to resolve it without a full investigation or to reject it.

20. 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 the complainant and to the Member concerned, to give them both an opportunity to identify any matter in the report with which they disagree or which requires more consideration.

21. Having received and taken account of any comments made on the draft report, the Investigating Officer will submit his/her final report to the Monitoring Officer.

22. The Monitoring Officer will review the Investigating Officer's report and will decide what action to take. There are three possible courses of action:

- i. No action**
- ii. Local Resolution**
- iii. Hearing**

23. No Action

If the Investigating Officer concludes that there has been no breach and the Monitoring Officer is satisfied that this conclusion is sound, then he/she may decide that no further action should be taken in relation to the complaint. If the Monitoring Officer is not so satisfied, then his/her decision will be final.

24. Local Resolution

If the Investigating Officer concludes that there has been a breach of the Shadow Authority Code of Conduct, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution of the complaint.

25. A local resolution may include the Member acknowledging that his/her conduct was unacceptable and offering an apology and or accepting other remedial action by the Shadow Authority..

26. If the Member and the complainant agree to accept the suggested resolution, the Monitoring Officer will take no further action. Neither the Member nor the complainant has the right to reject the Monitoring Officer's suggested resolution and any non-acceptance by either will be reported to the Overview and Scrutiny Committee.

27. Hearings

If the Monitoring Officer considers that 'local resolution' or 'no action' is not appropriate or adequate, then the Monitoring Officer will submit the Investigating Officer's report to the Overview and Scrutiny Committee. which will conduct a hearing into the complaint 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 matter.

- 28.** Following the hearing, the Overview and Scrutiny Committee, 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 will dismiss the complaint.
- 29.** If the Overview and Scrutiny Committee concludes that the Member has failed to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Overview and Scrutiny Committee will then consider what action, if any, should be taken as a result of the Member's failure to comply with the Code.
- 30.** Before reaching a decision, the Overview and Scrutiny Committee will give the Member an opportunity to make representations and will consult the Independent Person.

Sanctions

- 31.** The Shadow Authority has delegated to the Overview and Scrutiny Committee authority to take such action in respect of individual Members as may be available to promote and maintain high standards of conduct. Accordingly the Overview and Scrutiny Committee may –
- i. censure the Member;
 - ii. publish its findings in respect of the Member's conduct;
 - iii. report its findings to the Shadow Authority Council for information;
 - iv. instruct the Monitoring Officer to arrange training for the Member.
- 32.** The Independent Person is invited to attend all meetings of the Overview and Scrutiny Committee when Standards issues are on the agenda and his/her views will be sought and taken into consideration before the Overview and Scrutiny Committee takes any decision on whether the Member's conduct constitutes a failure to comply with the Code of Conduct and also as to any action to be taken following a finding of failure to comply with the Code of Conduct.
- 33. **Revision of these arrangements****

The Shadow Authority has delegated its responsibilities under Chapter 7 of the Localism Act 2011 to the Monitoring Officer. The Monitoring Officer may in consultation with the Chairman of the Shadow Authority amend the arrangements for dealing with Standards allegations made under the Localism Act 2011.

Part 5 - Appendix C

Protocol on the relationship between Members and Officers

1. Introduction

- 1.1 The purpose of this protocol is to guide Shadow Members and officers of the Shadow Authority in their relations with one another in such a way that ensures that the Shadow Authority runs smoothly.
- 1.2 The relationship between Shadow Members and officers is an essential ingredient that goes into the successful working of the Shadow Authority and is characterised by mutual respect, informality and trust.
- 1.3 Responsibility for the operation of this protocol lies with the Head of Paid Service.
- 1.4 The relationship between Shadow Members and officers is based on the following principles:
 - (a) the purpose of the Shadow Authority is to prepare for the transition to the new Buckinghamshire Council and it is in the interests of all of the inhabitants of the Shadow Authority's area that this is achieved seamlessly and without favouring one party over another;
 - (b) the Shadow Authority is a single entity;
 - (c) the separate functions of the Shadow Authority are part of the Shadow Authority as a corporate body;
 - (d) in everything they do, Shadow Members and officers must act within the law and comply with relevant codes of conduct;
 - (e) dealings between Shadow Members and officers are based on mutual trust and respect;
 - (f) the relationship must exist on a professional basis only so that the ability of an officer to deal impartially with Shadow Members or political groups cannot be impeached without good cause; and
 - (g) Officers should not approach Shadow Members on employment matters except as agreed by the Head of Paid Service.
- 1.5 Shadow Members and officers each have their own roles to play in the work of the Shadow Authority and care should be taken to avoid one encroaching upon the other.

The role of Members

- (a) To provide the political direction and leadership of the Shadow Authority.
- (b) To ensure that transformation is achieved in accordance with the policies and plans approved by the Shadow Authority.
- (c) To receive and consider appropriate professional advice from officers and

to have that advice recorded, so that all Shadow Members are fully aware of the implications of their decisions and have the assurance that their decisions comply with the law.

- (d) To make reasonable comment and ask questions about the Shadow Authority's decisions and performance both at formal meetings and informally. An officer's seniority and area of responsibility will determine what are reasonable comments and questions.
- (e) To represent the Shadow Authority externally.
- (f) To act as advocates on behalf of their constituents.
- (g) To be free to robustly question officers in order to understand reports and recommendations but not to seek to compel officers to change their advice, if to do so would prejudice the officers integrity or be in breach of the Code of Conduct.

The role of officers

- (a) To serve the whole Shadow Authority as a single corporate body.
- (b) To provide wherever practicable, support to all Shadow Members in their representational role and act to uphold the rights of Shadow Members in law and under the Constitution.
- (c) To take decisions within their area of responsibility which have been delegated to them but recognising that, where functions have not been delegated to officers, it is the right of Shadow Members to take the final decisions in the light of officers' advice.
- (d) To provide factual, honest and objective advice. The advice and the actions officers take should be politically neutral and should serve the interests of the Shadow Authority as a whole. Officers do not give advice on party political matters.

2. Officer advice to Shadow Members and Party Groups

2.1 For the proper functioning of the Shadow Authority as a whole, officers will normally be permitted to share information freely between themselves.

2.2 Where the information has been given on the basis of party political confidentiality:

- (a) officers will respect that confidentiality unless they believe that any action appears to be in conflict with the law, or would amount to an abuse of the processes of the Shadow Authority or a breach of their professional integrity and in those circumstances may share that information with other officers where they believe it to be necessary to check the legality, financial probity or procedural regularity of any action disclosed by that information.
- (b) The request for party political confidentiality will be honoured by any officers with whom the information is shared.

2.3 Where party political confidentiality has been requested, officers may invite those Shadow Members requesting confidentiality to agree to the information being shared with the other political groups on the grounds that it would assist the more effective functioning of the Shadow Authority; however, in the absence of any such agreement to waive confidentiality, officers will continue to respect it.

2.4 Correspondence between an individual Shadow Member and an Officer should only be copied to another Officer or Member where it is reasonably necessary, and this must be borne in mind at all times. Where it is necessary to copy the correspondence to another Shadow Member or Shadow Officer, this should be made clear to the original recipient. In other words, a system of "silent copies" or "blind copies" should not be employed.

3. Support services to Shadow Members and Party Groups

3.1 Support services and resources must only be used on Shadow Authority business and should never be used in connection with any political or campaigning activity or for private purposes.

4. Shadow Members' access to information and to Shadow Authority documents

4.1 Shadow Members may ask the Officers for such information, explanation and advice as they may reasonably need in order to assist them in discharging their role. This can range from a request for general information about some aspect of the Shadow Authority's activities to a request for specific information on behalf of a constituent.

4.2 A Shadow Member does not have a right to "a roving commission" to examine documents of the Shadow Authority. Mere curiosity is not sufficient. The crucial question is the determination of the "need to know". This question must initially be determined by the Officer holding the document in question. In the event of dispute, the question falls to be determined by the Monitoring Officer.

4.3 In addition to the above a Shadow Member may request information under the Freedom of Information Act 2000, and the Local Government Act 1972 provides a statutory right of access to documents. Any document which is in the Shadow Authority's possession and contains material relating to any business to be transacted at a meeting of the Shadow Authority, a Committee or Sub Committee or the Shadow Executive is to be open to inspection by any Shadow Member. However, there is no right of inspection where it appears to the Monitoring Officer that a document discloses certain classes of exempt information as set out in Access to Information Procedure Rules.

4.4 The Code of Conduct limits the ability of a Shadow Member to disclose confidential information.

5. Summary of Expectations of Shadow Members and of officers

5.1 Shadow Members can expect from officers:

- (a) A commitment to the Shadow Authority as a whole and not to any political group.
- (b) A working partnership.
- (c) An understanding of and support for respective roles, workloads and pressures.
- (d) A timely response to enquiries and complaints.
- (e) Professional advice not influenced by political views or preference, which does not compromise the political neutrality of officers.
- (f) Regular and up to date information that can reasonably be considered relevant to the needs of Shadow Members.
- (g) Awareness of and sensitivity to the political environment.
- (h) Dignity, respect and courtesy.
- (i) Integrity, mutual support and confidentiality.

5.2 Officers can expect from Shadow Members:

- (a) A working partnership.
- (b) Political leadership and direction.
- (c) Respect, dignity and courtesy.
- (d) Integrity, mutual support and confidentiality.
- (e) Not to be subject to bullying or to be put under undue pressure.
- (f) Not to use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly.
- (g) To comply at all times with the Shadow Authority's Code of Conduct.

**PART 6 -
MEMBERS ALLOWANCES SCHEME**

[To be inserted when agreed]